



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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Published in Register 96, No. 5-Z; February 2, 1996, pg. 177.

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested therefore that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #1095-41

March 27, 1996, Public Hearing

ITEM #1

Treatment of Income Derived from Room and Board Rents and Child Care Disregards for Employed Recipients

CHAPTERS

Division 44, Chapter 44-100 (Income), Sections 44-101 (Income Definitions) and 44-113 (Net Income).

INFORMATIVE DIGEST

Senate Bill (SB) 35, (Chapter 69, Statutes of 1993) enacted provisions impacting the Aid to Families with Dependent Children (AFDC) and Food Stamp (FS) Programs. SB 35 was passed in June of 1993 as an urgency measure and amended Sections 10790 and 10791 of the Welfare and Institutions Code. These sections require the California Department of Social Services (CDSS) to implement the Consolidated Public Assistance Eligibility Determination Demonstration Project, renamed the AFDC/FS Compatibility Project (AFCP), in order to achieve a greater degree of consistency between the AFDC and FS Programs. The specific areas made compatible by these regulations are: 1) treatment of income from the rental of rooms or room and board; and 2) allowable child care disregards for employed recipients.

Section 10791(j) of the Welfare and Institutions Code requires that there be uniform treatment of room and board income in the AFDC and FS Programs, and that the requirements be consistent with the AFDC Program. However, in the process of implementing AFCP, CDSS discovered that the AFDC regulations regarding room and board income were not in compliance with the federal rules, which defines self-employment income. This noncompliance issue had to be addressed before uniformity in this particular area for the two programs could be met. This regulation package is intended to bring AFDC regulations regarding room and board income into compliance with federal law.

Specifically, the AFDC regulations formerly treated income from room and board or rental of a room(s) differently than other types of income. The net income from room and board rents was 10% of the total rental income received. This meant that 90% of the gross

income was exempt. This 90% flat deduction was excessively high and contrary to the Department's goals to strengthen program integrity.

The FS Program already treats income from room rents and room and board as self-employment income. The change being proposed by this regulatory action would require that room and board income be treated as self-employment income under both the AFDC and FS Programs, and as mandated by Welfare and Institutions Code Section 10791(j). The Department has taken steps towards meeting the objectives of the AFDC/FS Compatibility Project. Currently, CDSS has requested a waiver from the United States Department of Agriculture (USDA), Food and Consumer Service (FCS) which will allow the State to amend the Food Stamp room and board regulations to be consistent with the AFDC regulations.

Section 10791(b) of the Welfare and Institutions Code requires uniformity in defining child care disregards for the AFDC and FS Programs. The AFDC regulations have been amended to be consistent with the FS Program, which simplifies the child care disregard to \$175 limit per child age two or older or incapacitated adult and \$200 limit for each child under two years of age. The change deletes reference to the number of hours/days employed for calculating recipients allowable disregard.

Also, references to the Work Incentive (WIN) Demonstration and the Career Opportunities Development (COD) Programs which no longer exists have been deleted from sections of the regulations where related to this package.

COST ESTIMATE

Costs or Savings to State Agencies: Negligible costs.

Costs to Local Agencies or School Districts: Negligible costs.

Nondiscretionary Costs or Savings to Local Agencies: None.

Federal Funding to State Agencies: Negligible costs.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in negligible costs.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

CDSS has determined that there will be no fiscal impact on businesses or private persons, including the ability of California businesses to compete with

businesses in other states, because these regulations do not affect private persons or businesses.

CDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations do not affect small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, 10790, and 10791 of the Welfare and Institutions Code. Subject regulations implement, interpret and make specific Sections 10553 and 10554, Welfare and Institutions Code; 45 CFR 233.20(a)(6)(v)(B), 45 CFR 233.20(a)(11)(D) and Public Law 101-485, Sections 202(a) and 204.

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

ORD #0995-33

March 27, 1996, Public Hearing

ITEM #2

Temporary Absence

CHAPTERS

Chapter 82-800 (Assistance Unit), Section 82-812 (Temporary Absence).

INFORMATIVE DIGEST

Currently, there is no specific timeframe specified in regulation to help determine whether an absence should be considered temporary or permanent. It has become increasingly difficult for counties to determine what type of absence exists when a member of an Aid to Families with Dependent Children (AFDC) assistance unit (AU) has left the home. Because of the lack

of time limits in this area, recipients can be absent from the home for several months, still claim that the absence is temporary, and continue to receive aid.

To establish a one full calendar month time limitation for temporary absence is a significant change. Prior to this, temporary absence had no time limitations. The counties had to rely primarily on the factors surrounding the family's or individual's situation when determining the absence status of any individual. Although determining factors still exist, they are now an adjunct to the one full calendar month time limitation.

To provide consistency throughout the State in applying this provision, a definitive time limitation of one full calendar month for temporary absence is being established in regulations. To assist counties in determining what constitutes a temporary or permanent absence, handbook language is being added to give an example of a circumstance which would be considered temporary absence and an example of an extended absence which may go beyond the one full calendar month when no exception applies. For reasonableness, exceptions to the one full calendar month timeframe are being established in regulations as well.

Welfare and Institutions Code Section 11269 requires that the stay in a public hospital for children be limited to two full calendar months for temporary absence. On the other hand, a person who is confined in a correctional facility or mental hospital and expected to remain confined for a full calendar month is considered permanently absent as of the first of the month following confinement. Additionally, there are exceptions that address circumstances out of the person's control and others focus on education and economic self-sufficiency. Current handbook sections are being deleted and the information within these sections is being relocated, revised and incorporated into regulation.

COST ESTIMATE

Costs or Savings to State Agencies: Insignificant savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulations.

Costs to Local Agencies or School Districts: Insignificant savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulations.

Nondiscretionary Costs or Savings to Local Agencies: None.

Federal Funding to State Agencies: Insignificant savings because this regulation makes only technical, nonsubstantive or clarifying changes to current law and regulations.

LOCAL MANDATE STATEMENT

These regulations impose a mandate upon county welfare departments (CWDs) but not upon school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

CDSS has determined that there will be no impact on small business, private persons, other businesses or public agencies, including the ability of California businesses to compete with businesses in other states, as a result of filing these regulations because they do not affect businesses or private persons.

CDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

The proposed regulation changes will not affect small businesses. The proposed regulations concern AFDC recipients who do not fall under the definition of small business pursuant to Government Code Section 11342.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement, interpret and make specific Section 11269, Welfare and Institutions Code; 45 CFR 206.10(a)(8) and 45 CFR 233.10(a)(1)(ii)(B).

ORD #1195-45

March 27, 1996 Public Hearing

ITEM #3

Administrative Disqualification Hearing Notice Requirement

CHAPTERS

Manual of Policies and Procedures (MPP), Division 22 (State Hearing and Request for Review), Chapter 22-200 (Administrative Fraud Hearings—General), Section 22-202 (Notice of Administrative Disqualification Hearing).

INFORMATIVE DIGEST

Current Food Stamp Program (FSP) Intentional Program Violation (IPV) Administrative Disqualification Hearings (ADHs) regulations require the notice of a hearing be mailed "Certified Mail—Return Receipt Requested."

Proposed regulations will permit satisfaction of the FSP IPV notice requirement for ADHs by either personally serving the ADH packet or by sending it regular first class mail, and that if no proof of receipt is obtained, evidence of nonreceipt by the household member shall be considered good cause for not appearing at the hearing. This amendment implements a federal waiver received by the California Department of Social Services (CDSS) from the United States Department of Agriculture (USDA), Food and Consumer Service.

COST ESTIMATE

Costs or Savings to State Agencies: Insignificant savings.

Costs to Local Agencies or School Districts: None.

Nondiscretionary Costs or Savings to Local Agencies: Insignificant savings.

Federal Funding to State Agencies: Insignificant savings.

LOCAL MANDATE STATEMENT

These regulations impose a mandate upon local agencies but not upon school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in savings.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

The California Department of Social Services (CDSS) has determined that the proposed regulations do not impose an adverse cost impact on private persons or businesses, including the ability of California businesses to compete with businesses in other states because these regulations do not impact private persons or businesses.

CDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations do not affect small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS amends these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement, interpret, and make specific USDA Food and Consumer Service, Waiver Number 950048.

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

ORD #1195-46

March 27, 1996 Public Hearing

ITEM #4

Rescission of Waiver of Administrative Disqualification Hearing

CHAPTERS

Manual of Policies and Procedures (MPP), Division 22 (State Hearing and Request for Review), Chapter 22-200 (Administrative Fraud Hearings—General), Section 22-202 (Notice of Administrative Disqualification Hearing); and Chapter 22-300 (AFDC Administrative Disqualification Hearings—General), Section 22-320 (Waiver of the Administrative Disqualification Hearing).

INFORMATIVE DIGEST

The proposed changes to the regulations will make specific that the respondent of an administrative disqualification hearing (ADH) has seven working days to rescind a waiver of disqualification hearing if the respondent changes his/her mind. Current language allows the respondent to rescind the waiver “. . . within the 20-day period for returning the waiver to the Department or the CWD. . . .”, which is unintentionally confusing. The regulation, as currently written, would not permit a respondent to rescind a waiver if the respondent decided to sign it on the 20th day. The new language sets a specific time limit for rescission of the waiver and permits a seven-working-day rescission period after the date the waiver is signed by the respondent.

COST ESTIMATE

Costs or Savings to State Agencies: Insignificant savings.

Costs to Local Agencies or School Districts: None.

Nondiscretionary Costs or Savings to Local Agencies: Insignificant savings.

Federal Funding to State Agencies: Insignificant savings.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on school districts. There are no reimbursable state-mandated costs because these regulations only make technical and clarifying changes.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

The California Department of Social Services (CDSS) has determined that the proposed regulations do not impose an adverse cost impact on private persons or businesses, including the ability of California businesses to compete with businesses in other states because these regulations do not impact private persons or businesses.

CDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations do not affect small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS amends these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement, interpret, and make specific 7 Code of Federal Regulations (CFR) 273.16(f)(1) and 45 CFR 235.113(c).

ORD #0695-29

March 27, 1996 Public Hearing

ITEM #5

**Franchise Tax Board Child Support
Collection Program Regulations**

CHAPTERS

Manual of Policies and Procedures, Division 12 (Child Support Program), Chapter 12-500 (Franchise Tax Board (FTB) Child Support Collection Program), Sections 12-501 (Definitions), 12-505 (General Requirements), 12-510 (Case Submission Standards), 12-515 (Complaints), 12-520 (Over Collections).

INFORMATIVE DIGEST

These regulations implement and make specific Assembly Bill (AB) 923, Chapter 906, Statutes of 1994, which amended Section 19271 of the Revenue and Taxation Code. Section 19271 of the Revenue and Taxation Code provided for a pilot program whereby six district attorneys would refer child support delinquencies to the Franchise Tax Board (FTB) for collection in the same manner that the FTB collects delinquent income taxes. AB 923 amended Section 19271 to delete the sunset provision of the program and establish a statewide program whereby any district attorney may refer delinquent child support delinquencies to the FTB for collection in the same manner that the FTB collects delinquent income taxes.

The proposed regulations specify the provisions for the FTB Child Support Collection Program which allows district attorneys to refer child support delinquencies to the FTB for collection.

COST ESTIMATE

Costs or Savings to State Agencies: Savings of approximately \$5,904,000—FY 95/96, \$7,716,000—FY 96/97.

Costs to Local Agencies or School Districts: None.

Nondiscretionary Costs or Savings to Local Agencies: Savings of approximately \$590,000—FY 95/96, \$771,000—FY 96/97.

Federal Funding to State Agencies: Savings of approximately \$6,095,000—FY 95/96, \$7,964,000—FY 96/97.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not on school districts. The mandate is not required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will, if anything, result in savings.

**STATEMENT OF POTENTIAL COST IMPACT ON
PRIVATE PERSONS OR BUSINESSES AND OF
ALTERNATIVES CONSIDERED**

CDSS has determined that the implementation of these regulations will only impact private persons or business they own, if they are in arrears in their court-ordered child support obligation. CDSS has further determined that there will be no adverse impact on the ability of California businesses to compete with businesses in other states.

CDSS must determine that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations do not affect small businesses.

**ASSESSMENT OF JOB CREATION
OR ELIMINATION**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 11475, and 11479.5. Subject regulations implement and make specific Revenue and Taxation Code Sections 19271(a) and (e)(3) and 19272(c); Welfare and Institutions Code Section 15200.85; Family Code Sections 4071 and 4722(a); Government Code Sections 12419.5 and 50050; 45 CFR 302.12; 45 CFR 303 et seq.; and Code of Civil Procedure Sections 706.051 and 706.075.

ORD #1295-48

March 27, 1996 Public Hearing

ITEM #6

**Review and Modification of Support
Orders In IV-D Cases**

CHAPTERS

Manual of Policies and Procedures Division 12 (Administrative Standards for State IV-D Agency), Chapter 12-100 (Child Support Enforcement Program Components and Standards), Sections 12-101 (General) and 12-102 (Program Requirements); Chapter 12-200 (Program Performance Reviews), Sections 12-223 (Program Performance Standards—Establishment and Modification of Child Support Orders) and 12-226 (Program Performance Standards—Interstate

Cases); Chapter 12-300 (Case Closure) Section 12-301 (General); Chapter 12-400 (Review and Modification of Child Support Orders) Sections 12-401 (General), 12-405 (Screening Orders), 12-410 (Review and Modification), 12-415 (Interstate Orders Review and Modification), and 12-420 (Terminating Review or Modification Process); Chapter 12-600 (Real Property Liens) Section 12-601 (Definitions); and Chapter 12-700 (Franchise Tax Board (FTB) and Internal Revenue Service (IRS) Tax Refund Intercept Regulations) Sections 12-701 (Definitions) and 12-710 (Updates).

INFORMATIVE DIGEST

Federal regulations effective October 13, 1993 require the periodic review of child support orders and modification, as appropriate, in accordance with State guidelines for support award amounts. These regulations implement the requirement that states have a process under which child support orders in Title IV-D cases are periodically reviewed not later than 36 months after the establishment of the order or the most recent review, and modified, as appropriate, in accordance with state guidelines.

The Department subsequently received a Petition for Rulemaking pursuant to Government Code Section 11347 from Legal Services of Northern California requesting the California Department of Social Services (CDSS) to promulgate regulations governing the review and modification of IV-D child support orders. The Department granted the Petition in part and agreed to adopt regulations governing the review and modification process.

Currently there are no state regulations which govern the review and modification of Title IV-D child support orders.

Proposed regulations implement a process under which child support orders are periodically reviewed and modified.

COST ESTIMATE

Costs or Savings to State Agencies: Savings of approximately \$789,000.

Costs to Local Agencies or School Districts: None.

Nondiscretionary Costs or Savings to Local Agencies: Additional expenditures of approximately \$1,186,000.

Federal Funding to State Agencies: Additional expenditures of approximately \$1,638,000.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate on local agencies, but not on local school districts. There are no state-mandated local costs in these regulations which require reimbursement under Sections 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs

mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES AND OF ALTERNATIVES CONSIDERED

CDSS has determined that the implementation of these regulations only impacts private persons whose child support obligations have been modified due to a periodic review. CDSS has further determined that the implementation of these regulations have no impact on businesses, including the ability of California businesses to compete with businesses in other states, because these regulations do not impact businesses.

CDSS has determined that no alternative considered would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected persons than the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations do not affect small businesses.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553, 10554, 11475, 11475.1, and 11479.5, Welfare and Institutions Code; and Section 708.730, Code of Civil Procedure. Subject regulations implement and make specific 45 CFR 302.30 and 303.8; and 28 U.S.C. 1738(B).

TITLE 11. DEPARTMENT OF JUSTICE

NOTICE IS HEREBY GIVEN that the Department of Justice (DOJ) is proposing to take the action described in the Informative Digest.

Notice is also given that any interested person may present statements or arguments in writing relevant to the proposed action to DOJ, Office of the Attorney General, 1300 I Street, Room 125, Sacramento, California 95814, at or before 4:30 p.m. on March 29, 1996.

A public hearing is not scheduled but will be held if any interested person, or his or her duly authorized representative, submits a written request for public

hearing to the department no later than 15 days prior to the close of the written comment period. Following the public hearing (if one is requested) or following the written comment period (if no public hearing is requested), DOJ, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE

The following sections of the Corporations Code provide for the involvement of the Attorney General, and where appropriate for notice to the Attorney General, in certain actions and proceedings by or relating to nonprofit public benefit, mutual benefit and religious corporations: Sections 5142, 5223, 5225, 5226, 5233, 5236, 5238(c)(3), 5617(b), 5820, 5913, 6010, 6510(d), 6716(b)(c), 6611(a), 6612(a), 6613(c), 6617(b), 6716(b)(c), 6721(a)(b), 7142, 7223, 7225, 7238, 7616, 7913, 8010, 8510, 8611, 8612, 8613, 8617, 8723, 9230, 9660, and 9680. DOJ proposes to amend Sections 999.1, 999.2, 999.3 and 999.4, Title 11, California Code of Regulations, as follows:

INFORMATIVE DIGEST

Existing regulations provide addresses for the Attorney General's Office to which required notices or requests for the Attorney General's approval concerning various nonprofit corporate actions must be sent. These addresses are no longer valid. The proposed amendment would substitute the current addresses for the Attorney General's Charitable Trusts Section in San Francisco, Los Angeles and Sacramento, and eliminate the address for San Diego because the Attorney General does not have a Charitable Trusts Section in that city.

Existing regulations provide that written notices or requests are deemed to be "filed" with the Attorney General when the notices or requests are received at the office of the Attorney General. Existing regulations also require that notice to the Attorney General shall contain, when appropriate, a description of the action or proceeding, as well as the time, date and place at which the action or proceeding will occur, or has occurred, and a statement indicating whether an approval, ruling, waiver or other action by the Attorney General is sought. The proposed amendments would require that notice to the Attorney General contain written information sufficient to enable the Attorney General to review and evaluate the action or proceeding, and that the notice be deemed filed when received at the office of the Attorney General with the written information.

Existing regulations dealing with religious corporations govern notice to the Attorney General of self-dealing transactions, requests for approval of self-dealing transactions, requests for the Attorney General's ruling on amendment of corporate articles of

incorporation, and giving notice to the Attorney General of other corporate transactions. Corporations Code section 9230, enacted since adoption of the existing regulations dealing with religious corporations, limits the Attorney General's power with respect to such corporations with the result that only notice of corporate dissolution must be provided to the Attorney General. The existing regulations dealing with religious corporations are amended to reflect this statutory change.

DISCLOSURES REGARDING THE PROPOSED ACTION

Fiscal Impact on Public Agencies: negligible savings for DOJ; the amendment will eliminate the need for a written or oral request for further information so that the Attorney General can evaluate the notice.

Fiscal Impact on Small Business: None. The proposed amendments affect entities organized as nonprofit institutions.

Fiscal Impact on Private Persons or Entities: None.

PLAIN ENGLISH OVERVIEW

1. The proposed amendments will update regulations under the Nonprofit Corporation Law to provide current addresses for the Attorney General's Offices in San Francisco, Los Angeles and Sacramento.

2. Under existing regulation, when the Attorney General receives a notice concerning some action by a nonprofit corporation, the corporation may include enough information to make the notice understandable enough for the Attorney General to review and evaluate the proposed action. However, when the Attorney General receives a notice without sufficient information, the Attorney General must request additional information pursuant to his statutory authority over nonprofit corporations and charitable trustees (e.g., Corporations Code section 5250). Nonprofit corporations commonly respond to those requests voluntarily; if a nonprofit corporation does not provide the information requested, the Attorney General may issue subpoena when he deems it appropriate. (Government Code section 12588.) The proposed amendment to the regulations would require nonprofit corporations to provide sufficient information with the notice, thereby eliminating the need for the Attorney General to request information which will ultimately be provided anyway. The notice would not be considered "filed" unless the information was included.

3. The proposed amendment eliminates most of the regulations dealing with religious corporations to reflect a change in the law that diminishes the Attorney General's role regarding religious corporations.

CONSIDERATION OF ALTERNATIVES

DOJ must determine that no alternative which it considered would be more effective in carrying out the proposals for which these amendments to the existing regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.

STATEMENT OF REASONS AND INFORMATION

DOJ has prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed amendments to the regulations and of the statement of reasons and the other information, if any, may be obtained upon request from the Office of the Attorney General at 1300 I Street, Room 125, Sacramento, CA 95814, or by telephoning the contact person listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Peter K. Shack at the above address or at (916) 323-1990.

COMMENT PERIOD

Written comments must be received by DOJ no later than 4:30 p.m. on March 29, 1996.

AVAILABILITY OF MODIFICATIONS

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written opposition related to this proposal or who have requested notification of any changes to the proposal.

The proposed amendments will not impose a mandate on local agencies or school districts. There are no reimbursable costs or savings pursuant to Government Code part 7 (commencing with section 17590) of the Government Code; no nondiscretionary costs or savings to local agencies; and no cost or savings in federal funding to the state.

The proposed regulations will not: (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

The proposed regulations will not have a significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states.

TITLE 13. AIR RESOURCES BOARD

The Air Resources Board (ARB or "Board") will conduct a public hearing at the time and place noted below to consider adoption of amendments to California regulations that require zero-emission vehicles.

DATE: March 28, 1996

TIME: 9:30 a.m.

PLACE: California Air Resources Board
Board Hearing Room, Lower Level
2020 L Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., March 28, 1996, and may continue at 8:30 a.m., March 29, 1996. This item may not be considered until March 29, 1996. Please consult the agenda for the meeting, which will be available at least 10 days before March 28, 1996, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION/PLAIN ENGLISH POLICY STATEMENT OVERVIEW

Sections Affected: Amend Title 13, California Code of Regulations (CCR), section 1960.1.

I. Summary of Proposed Changes

The Board adopted the Low-Emission Vehicle regulations in September 1990. These regulations established four new categories of emission standards for passenger cars (PCs) and light-duty trucks (LDTs): Transitional Low-Emission Vehicle (TLEV), Low-Emission Vehicle (LEV), Ultra-Low-Emission Vehicle (ULEV) and Zero-Emission Vehicle (ZEV). The regulations established a progressively more stringent fleet average emission requirement for non-methane organic gases (NMOG), which manufacturers can meet by producing any combination of TLEVs, LEVs, ULEVs and ZEVs. In addition to meeting the fleet average emission requirement, the seven largest manufacturers are required to produce and offer for sale in California ZEVs in amounts equal to two percent of their total sales of PCs and LDTs weighing less than 3750 pounds loaded vehicle weight beginning with the 1998 model year, rising to five percent in the 2001 model year and ten percent in the 2003 model year.

The staff conducted a series of public forums during 1995 to discuss all aspects of the ZEV program, including hybrid-electric vehicles, consumer marketability, infrastructure, fleet issues, technology, benefits and costs. The staff also established a Battery Technology Advisory Panel ("Battery Panel") to evaluate the status of batteries for the 1998 implementation of ZEVs. Based on information gathered

through the public forums and the Battery Panel, the staff is proposing to amend the LEV regulations to eliminate the percentage ZEV requirements for model years 1998 through 2002. The ten percent requirement for the 2003 model year would remain unchanged. This modification would allow auto manufacturers more time to develop and demonstrate ZEVs powered by advanced batteries and flexibility to determine the best time to introduce this new technology to the market. To encourage the early production of advanced ZEVs, the staff is also proposing to add a provision to allow multiple credits for longer-range ZEVs produced prior to the 2003 model year. These ZEV credits could be applied to a manufacturer's 2003 and subsequent model year requirements.

To ensure that no emission reductions are lost by suspending the ZEV requirements, the staff is recommending that the Board enter into memoranda of agreement (MOAs) with each of the seven auto manufacturers that are subject to the 1998 through 2002 model year percentage ZEV requirements. These MOAs would formalize commitments by the auto manufacturers to achieve the air quality benefits of the percentage ZEV requirements, continue investing in advanced batteries, produce ZEVs powered by advanced batteries for demonstration purposes and ramp up to large-volume ZEV production in the 2003 model year.

II. *Comparison with Similar Federal Requirements*

Under Title II of the Federal Clean Air Act (FCAA), the U.S. Environmental Protection Agency has promulgated comprehensive regulations to control emissions from new motor vehicles (see 40 CFR Part 86). However, both state law and section 209 of the FCAA allow California to establish its own standards that are different from the federal standards. While both the federal and California automotive emission standards are similar in purpose and scope, California has adopted standards that are generally more stringent and effective in order to address the severity of California's air pollution problem. California's Low-Emission Vehicle regulations, which establish emission standards for light- and medium-duty vehicles, are more stringent than the federal requirements. The Low-Emission Vehicle regulations are essential to attain the national and state ozone standards, and to fulfill the requirements of state and federal law.

There is no federal requirement for ZEVs. The amendments proposed in this rulemaking would eliminate the California requirement for ZEVs for the 1998 through 2002 model years.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The staff has prepared a Staff Report which includes the initial statement of reasons for the proposed action

and a summary of the environmental and economic impacts of the proposal. Copies of the Staff Report and the full text of the proposed regulatory language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, California 95814, (916) 322-2990. These documents are also available on the Air Resources Board Information System (ARBIS) electronic bulletin board. The documents may be accessed via modem by calling (916) 322-2826 and choosing "Mobile Source Programs" and "Zero-Emission Vehicle Program" from the "System Features" menu. The documents are also available on the Internet at <http://www.arb.ca.gov/> (choose "CARB Programs" from the main menu and then "ZEV Program"). If you have any questions regarding access to the ARBIS, please contact the Business Assistance Hot Line at 1-800-ARB-HLP2 (in California) or (916) 323-3336.

The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

The ARB has determined that it is not feasible to draft the regulations in plain English due to the technical nature of the regulations; however, a plain English summary of the regulations is available from the agency contact person named in this notice, and is also contained in the Staff Report.

Inquiries regarding this matter should be directed to Sue de Witt, Mobile Source Division, P.O. Box 2815, Sacramento, California 95812, (916) 322-6975. Inquiries regarding Appendix B of the Staff Report should be directed to Mark Carlock, Mobile Source Division, 9420 Telstar Avenue, El Monte, California 91731, (818) 575-6608.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, or other nondiscretionary savings to the local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on private persons and businesses. The proposed regula-

tory action would eliminate an existing requirement for large auto manufacturers to produce ZEVs beginning in 1998. This action is expected to result in savings for auto manufacturers, which in turn could translate into savings for consumers.

Because the proposed regulatory action does not place any requirements on individuals or California businesses, in accordance with Government Code section 11346.3 the Executive Officer has determined that adoption of the proposed regulatory action will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states, or on directly affected private persons.

The Board's Executive Officer has also determined, pursuant to Government Code section 11346.5(a)(3)(B), that the regulation will affect small businesses. Some small businesses in California's advanced transportation industry may be adversely affected by this action because it may result in fewer ZEVs being produced from 1998 through 2002. This may reduce investments and lower the demand for goods and services from California's advanced transportation businesses in the near-term. However, the proposed regulatory action is expected to increase the success of ZEVs over the long-term, which would be beneficial to these California businesses.

The Executive Officer has also determined that this regulatory action will not have a significant or any long-term effect on the creation or elimination of jobs within California, the creation of new businesses and the elimination of existing businesses within California, or the expansion of businesses currently doing business within the State of California. A more detailed assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

Before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than 12:00 noon, March 27, 1996, or received by the Board Secretary at the hearing.

The Board requests, but does not require, that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to

the hearing. The Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 43013, 43018, 43101 and 43104. This action is proposed to implement, interpret and make specific Health and Safety Code sections 39002, 39003, 43000, 43013, 43018, 43100, 43101, 43102 and 43104.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

TITLE 14. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Oil Spill Prevention and Response (OSPR) within the Department of Fish and Game proposes to amend Section 790, and adopt Sections 873 through 874.5 in Division 1, Subdivision 4 of Title 14 of the California Code of Regulations. These sections define relevant terms and establish the penalty assessment and administrative adjudication procedures relating to administrative civil penalties.

AUTHORITY AND REFERENCE

Government Code Sections 8670.67, 8670.67.5 and 8670.68 grant the Administrator the authority to adopt regulations governing the assessment and adjudication of administrative civil penalties. Accordingly, these regulations implement, interpret and make specific Government Code Sections 8670.67, 8670.67.5,

8670.68, and relevant sections of Division 7.8 (commencing with Section 8750) of the Public Resources Code.

COMMENT PERIOD AND PUBLIC HEARING

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the OSPR. The written comment period opens on February 9, 1996 and closes at 5:00 p.m. on March 27, 1996. All comments must be received in the OSPR office during this time period. Comments should be addressed to the person designated in this Notice as contact person.

A public hearing has been scheduled at which any interested party may present statements, orally or in writing, about this regulatory action. The hearing will commence at 10:00 a.m. on March 26, 1996, and will continue until all testimony is completed. The hearing will be held at the following location:

Department of Fish and Game
Office of Oil Spill Prevention and Response
West Texas Conference Room
1700 K Street, Room 250
Sacramento, CA 95814

A representative of the OSPR will preside at the hearing. Individuals that wish to speak at the hearing are requested to register prior to the hearing. Pre-hearing registration will be conducted from 9:30 a.m. until 10:00 a.m. It is requested, but not required, that individuals presenting oral testimony also submit a written copy of their statements.

The hearing will be adjourned immediately following the completion of the oral testimony.

PERMANENT ADOPTION OF REGULATIONS

The OSPR may adopt the proposal substantially as described in this Notice, or may modify such proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals—with changes clearly indicated—will be available for 15 days prior to adoption. The modified text may be obtained from the person designated in this Notice as contact person, and will be mailed to those individuals who submit written or oral testimony related to this proposal or who have requested information regarding this proposal.

INFORMATIVE DIGEST

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (the Act) (see Government Code Sections 8574.1 through 8670.72, and Public Resources Code Sections 8750 through 8760) created a comprehensive state oil spill program for marine

waters. The law greatly expanded the authority, responsibilities and duties of the Administrator for oil spill response. Government Code Section 8670.6 provides authority for the establishment of the OSPR which contains staff to assist the Administrator in performing the duties specified in the Act.

The Act emphasizes oil spill prevention, contingency planning and response, as well as the Administrator's duties in connection therewith. As a result, the OSPR is required to address navigational safety issues, establish effective response capability requirements and review and approve contingency plans.

The Act provides the Administrator broad authority to regulate the methods utilized by industry to transport oil in or near California marine waters, and to enforce those regulations utilizing administrative, civil or criminal actions, in order to compel compliance with regulations and orders needed to meet its goal of providing the best achievable protection of its valued coastal resources.

Pursuant to the Administrator's authority under the Act, the OSPR is proposing the adoption of regulations implementing the issuance of complaints and the imposition of administrative civil penalties upon persons violating any provision of the Act or any permit, rule, regulation, standard, or requirement issued under the provisions of the Act. This includes penalties for violating any permit, rule, or regulation relating to marine facilities issued by the State Lands Commission.

Persons served with a complaint are provided the opportunity to request a hearing before an independent hearing officer and are ensured adequate judicial review of the hearing officer's determination. Consequently, the proposed regulations also establish general administrative adjudicatory procedures, appeals of decisions, and the collection of the penalties and interest.

PLAIN ENGLISH STATEMENT

These regulations have been written in plain English. They do not use confusing concepts, technical language, or terms with meanings other than those in the dictionary. Persons affected by these regulations will be able to understand them without special experience or training.

SMALL BUSINESS IMPACT STATEMENT

These regulations do not apply to small businesses as that term is defined in Government Code Section 11342.

POTENTIAL COST IMPACTS AND LOCAL MANDATE STATEMENTS

The OSPR has determined that the proposed regulations:

1. will have no effect on housing costs;

2. do not mandate any programs upon local agencies or school districts;
3. involve no increased costs or savings to a state agency;
4. involve no significant cost to private persons or businesses;
5. involve no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4;
6. involve no significant nondiscretionary costs or savings to local agencies;
7. will not involve any costs or savings in federal funding to the state.

BUSINESS IMPACTS

The OSPR finds that the proposed amendments will not have a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR has determined that the proposed regulatory action will neither create nor eliminate jobs in the State of California, neither create nor eliminate existing businesses in the State of California nor affect the expansion of businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(12), the OSPR must determine that no alternative which it considered would be more effective than, or as effective as and less burdensome to affected private persons, than the proposal described in this Notice.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

The OSPR has prepared a statement of reasons for the proposed action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulation, the statement of reasons, and other information, if any, may be obtained by writing to the following address:

Department of Fish and Game
Office of Oil Spill Prevention and Response
1700 K Street, Suite 250
P.O. Box 944209
Sacramento, CA 94244-2090

Comments on the proposed regulations, requests for documents, or any other questions concerning the regulatory adoption process, may be directed to Michelle Garcia-Stephens, at the above address or by calling (916) 324-9783. Questions regarding the specific language of the regulations, may be directed

to Jonathan Clark, Staff Counsel, at the above address or by calling (916) 324-0131.

TITLE 14. OFFICE OF OIL SPILL PREVENTION AND RESPONSE

Notice is hereby given that the Office of Oil Spill Prevention and Response (OSPR) within the Department of Fish and Game proposes to adopt regulation Sections 877 through 879 in Subdivision 4, Chapter 7, Title 14 of the California Code of Regulations (CCR). These sections establish clear and consistent guidelines for Determining Amount of Petroleum Hydrocarbons Recovered to those parties either affected by their adoption or charged with their enforcement.

AUTHORITY AND REFERENCE

Government Code Section 8670.67.5(d) grants the Administrator the authority to adopt regulations and governing the method for determining the amount of oil that is cleaned up.

INFORMATIVE DIGEST

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (see Government Code Sections 8574.1 through 8670.72, and Public Resources Code Sections 8750 through 8760) created a new and comprehensive state oil spill program for marine waters. The new law greatly expanded the authority, responsibilities and duties of the Department of Fish and Game under the direction of the Administrator for oil spill response. Government Code Section 8670.6 provides authority for the establishment of the OSPR which contains staff to assist the Administrator in performing the duties specified in the Act.

Government Code Section 8670.67.5 of the Act mandates that any person who causes or permits oil to be discharged shall be strictly liable civilly. A penalty may be administratively imposed by the Administrator in an amount not to exceed ten dollars (\$10) per gallon of discharged oil and thirty dollars (\$30) per gallon of discharged oil whenever the discharge of oil resulted from gross negligence or reckless conduct. The amount of the penalty shall be reduced for every gallon of discharged oil that is recovered and properly disposed of in accordance with the applicable law.

There are no prior regulations to determine the amount of oil recovered. These regulations implement the requirement in Government Code Section 8670.67.50 which requires the Administrator to adopt regulations governing the method for determining the amount of oil that is cleaned up.

These regulations define terms associated with recovering oil (petroleum hydrocarbons) and specify the minimum requirements for recovering liquid petroleum hydrocarbons, petroleum hydrocarbons in contaminated sediment, oily boom, sorbent and debris.

PUBLIC HEARING

A public hearing has been scheduled at which any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will commence at 10:00 a.m. and continue until all testimony is completed. The hearing will be held on March 27, 1996 at the following location:

Department of Fish and Game
Office of Oil Spill Prevention and Response
West Texas Conference Room
1700 K Street, Room 250
Sacramento, CA 95814

Pre-hearing registration will be conducted just prior to the hearing from 9:30 a.m. until 10:00 a.m. Those registered will be heard in the order of their registration. Anyone else wishing to speak at the hearing will be afforded such opportunity after those registered have been heard.

Individuals presenting oral testimony are requested but not required to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral testimony.

COMMENT PERIOD

Any person interested, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the OSPR. The written comment period opens on February 12, 1996 and closes at 5:00 p.m. on March 27, 1996. All comments must be received by that time at the OSPR office in order to be considered. Comments should be addressed to the person designated in this Notice as the contact person.

PERMANENT ADOPTION OF REGULATIONS

The OSPR may thereafter adopt the proposals substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 11346.4, 11346.5 AND 11349(F)

California regulations, which implement the requirement to determine the amount of petroleum hydrocarbon cleaned up provisions of the Act, augment federal statutory requirements set forth in the Oil Pollution Act of 1990 (P.L. 101-380 enacted

August 18, 1990) (OPA-90). California's volumetric determination of petroleum hydrocarbons recovered regulations do not duplicate nor conflict with federal statutes or regulations.

COMPLIANCE WITH GOVERNMENT CODE SECTION 11342(F)

Pursuant to Government Code Section 11342(f) which pertains to a "plain English" requirement, the express terms of the proposed action are written in plain English and are available from the contact person named in this Notice.

COMPLIANCE WITH GOVERNMENT CODE SECTIONS 8574.10 AND 8574.54

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment, and in accordance with Government Code Section 8670.54, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None.

Costs or savings to any state agency: None.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.

Other nondiscretionary costs or savings imposed upon local agencies: None.

Costs or savings in federal funding to the state: None.

Cost to private persons or directly affected businesses: None.

Significant adverse economic effect on small businesses, California small business enterprises and individuals: None.

The businesses involved in the activities covered by these regulations are not "small businesses" as defined by the Government Code.

Significant effect on housing costs: None.

BUSINESS IMPACTS

The OSPR finds that the proposed amendment will not have a significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The OSPR had determined that the proposed regulatory action will neither create nor eliminate jobs

in the State of California, create new businesses or eliminate existing businesses, or affect the expansion of businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(7), the OSPR must determine that no alternative that has been considered would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The OSPR invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

AVAILABILITY OF DOCUMENTS AND OSPR CONTACT PERSON

The OSPR will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the address below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the text of the proposed regulations and the initial statement of reasons. Copies of these documents are available upon request by calling the contact person identified below or by writing to:

Department of Fish and Game
Office of Oil Spill Prevention and Response
Regulations Branch
P.O. Box 944209
Sacramento, CA 94244-2090

Questions regarding the proposed regulations, requests for documents, or any other questions concerning this regulatory action may be directed to Mrs. Tracey Edwards at the above address or by calling (916) 327-9405.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

Following the hearings and the close of the comment period, the OSPR may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the OSPR adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Mrs. Tracey Edwards at the address indicated above. The OSPR will accept written comments on the modified regulations for 15 days from the date on which they are made available.

TITLE 16. BOARD OF ARCHITECTURAL EXAMINERS

NOTICE IS HEREBY GIVEN that the California Board of Architectural Examiners ("Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the California Board of Architectural Examiners, 400 R Street, Suite 4000, Sacramento, California, at 10:00 a.m. on March 26, 1996. Written comments must be received by the Board at its office at the above address not later than March 25, 1996 at 5:00 p.m. or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in the Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 5526 and 5550 of the Business and Professions Code, and to implement, interpret, or make specific Section 5550 of said Code, the California Board of Architectural Examiners is considering changes to Division 2 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST

Amend Section 103—Delegation of Certain Functions.

This proposal would update the title of the senior staff person of CBAE from "executive secretary" to "executive officer" and would capitalize the term "Board" as a short form of the California Board of Architectural Examiners.

Amend Section 109—Filing of Applications.

This proposal would make minor, nonsubstantive changes and would eliminate the application procedures for candidates seeking to take the paper-and-pencil format of the California architectural licensing examination and related filing deadlines.

This proposal would establish the procedures for new candidates applying for eligibility evaluation, in addition to the application procedures for all candidates seeking to take the ARE once eligible.

This proposal would also define the eligibility period of candidates to be one year. Candidates may

reestablish their eligibility on a yearly basis. In addition, the subsections would be rearranged to provide a more logical order.

Amend Section 111—Review of Applications.

This proposal would make minor, nonsubstantive changes and would amend the subsections as follows:

- (a) amend the language to be consistent with the administration of the computer-based ARE,
- (b)(1) reduce the processing time for the release of examination results from 300 days for the paper-and-pencil format to 150 days for the computer-based format of the ARE,
- (b)(3) reduce the processing time for the issuance of a license from 400 days for those candidates who took the paper-and-pencil format to 330 days for those candidates who take the computer-based format of the ARE, and
- (d) rearrange the subsections to provide a more logical order, consistent with the examination and licensure process.

Amend Section 112—Processing Times.

This proposal would make minor, nonsubstantive changes and would reduce the processing times for examination results to reflect the shorter processing times for the computer-based format of the ARE versus the paper-and-pencil format.

Amend Section 116—Eligibility for Examination.

This proposal would make minor, nonsubstantive changes and would amend the language to be consistent with the computer-based ARE.

This proposal would also eliminate references to specific filing deadlines that no longer apply under the computer-based ARE format.

Subsection (a)(4) would incorporate additional applicable examination transition plans contained in the California Code of Regulations.

Subsection (b) would update the definition of acceptable work experience that may be granted credit under the direct supervision of an architect.

Amend Section 117—Experience Evaluation.

This proposal would make minor, nonsubstantive changes and would amend Subsection (b)(9) to more accurately define which multiple degrees may be granted credit. Subsection (e)(3) would be amended to be consistent with the computer-based ARE.

Amend Section 119—Written Examination—Transition Plan.

This proposal would make minor, nonsubstantive changes and correct the name of the Architect Registration Examination by deleting the word “Uniform.”

Amend Section 119.5—1989 and 1990 Transition Plan.

This proposal would make minor, nonsubstantive changes and correct the name of the Architect Registration Examination by deleting the word “Uniform.”

Amend Section 119.6—Computer-Based Examination Transition Plan.

This proposal would make minor, nonsubstantive changes and revise the language to be consistent with the computer-based ARE.

Amend Section 120—Reexamination.

This proposal would make minor, nonsubstantive changes and would incorporate Section 123 of the California Code of Regulations to establish reexamination procedures for the computer-based ARE.

This proposal would also establish a six-month reexamination policy that would prohibit candidates from taking a failed division of the computer-based ARE within six months after the last attempt.

Amend Section 121—Form of Examination.

This proposal would make minor, nonsubstantive changes and would revise the language to be consistent with the computer-based ARE.

In addition, the proposal would revise the information relating to the CBAE oral examination by updating the name from the “oral appraisal interview” to the “oral examination” and by eliminating references that indicate the oral examination will be used to assess a candidate’s knowledge and ability concerning graphic building and site design.

Subsection (c) would be revised to include Section 119.6 as an additional applicable examination transition plan.

Repeal Section 123—Written Examination Credit.

This proposal would repeal this section in its entirety.

Amend Section 124—Oral Examination.

This proposal would make minor, nonsubstantive changes and would update the information relating to the CBAE oral examination by eliminating the reference to the requirement that candidates present representative exhibits of work done by the candidate.

Amend Section 144—Fees.

This proposal would make minor, nonsubstantive changes and would eliminate references to the fees for the divisions of the California architectural licensing examination.

In addition, the proposal would rearrange the remaining subsections to be in a more logical order, consistent with the examination and licensure process.

DISCLOSURES REGARDING
THE PROPOSED ACTION

Fiscal Impact on Public Agencies Including Costs/Savings to State Agencies or Costs/Savings in Federal Funding to the State: Approximately \$112,442 savings.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises and individuals, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will neither create nor eliminate jobs within California; create new businesses or eliminate existing businesses, or affect the expansion of businesses currently doing business within California.

Cost Impact on Private Persons or Entities: At this time, the Board is unable to determine the actual cost impact on private persons or entities. The National Council of Architectural Registration Boards has released a request for proposal (RFP) for a national computer testing center vendor which will determine the actual examination administration fees to be charged to the candidates. The RFPs are due March 1, 1996, and a contract will be awarded in approximately mid-April 1996. Preliminary information indicates that the examination fees charged to candidates for the computer-based ARE may increase significantly from the paper-and-pencil format. The fee for the entire ARE may increase from the current \$490 to approximately \$660. While the actual fees charged for the ARE may increase, the costs of related travel should decrease due to the increased number of test sites throughout the state, and the convenience of taking the ARE will increase with the divisions of the ARE being offered any day—Monday through Saturday—and with the candidate's ability to pay for the ARE using a credit card.

Housing Costs: None.

PLAIN ENGLISH REQUIREMENT

The Board has determined that the proposed regulation would not affect small businesses because it applies to architectural candidates and not architectural firms.

The express terms of the proposed action written in plain English are available from the agency contact person named in this Notice.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no alternative which it considered would be more effective than or as effective as and less burdensome on affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

STATEMENT OF REASONS AND
INFORMATION

The Executive Officer had prepared a statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulation and of the statement of reasons and the other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Architectural Examiners at 400 R Street, Suite 4000, Sacramento, California 95814 or by telephoning the contact person listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to Betsy Figueira at the above address or at (916) 445-3394.

COMMENT PERIOD

Written comments must be received by the Board at its office not later than 5:00 p.m. on March 25, 1996, or must be received by the Board at the hearing.

AVAILABILITY OF MODIFICATIONS

With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

**TITLE 25. DEPARTMENT OF
HOUSING AND COMMUNITY
DEVELOPMENT**

NOTICE IS HEREBY GIVEN that the Department of Housing and Community Development (Department) proposes to formally amend, adopt, and repeal regulations which govern implementation of the State Community Development Block Grant Program. The existing regulations are codified in Title 25, Subchapter 2, (commencing with Section 7058) of the California Code of Regulations.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period begins February 9, 1996 and closes at 5:00 p.m. on March 29, 1996. The Department will consider only comments received at the Department's office by that time. Please submit comments to the Contact Person listed below.

PUBLIC HEARING

The Department will hold one public hearing on Wednesday, March 27, 1996 from 1:00 p.m. to 4:00 p.m. at the Department's office, 1800 Third Street, Room 185, Sacramento, California. The room is wheelchair accessible. At the hearing any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

AUTHORITY AND REFERENCE

The Department is conducting this rulemaking activity under the authority provided by Health and Safety Code Sections 50406 (h) and (n). These regulations implement, interpret and make specific amendments to Chapter 12 (commencing with Section 50832) of Part 2 of Division 31 of the Health and Safety Code.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

Health and Safety Code Sections 50832 through 50834 provide for the Department of Housing and Community Development's allocation of federal Community Development Block Grant (CDBG) funds provided through the U.S. Department of Housing and Urban Development (HUD) to units of general local government that are too small to receive an entitlement of CDBG funds directly from HUD. The local government recipient of CDBG funds may use the funds for a variety of community development activities, including providing assistance to private entities where the CDBG assistance will result in a project that meets a national objective and results in the creation or retention of jobs.

On June 1, 1995, the Governor issued Executive Order W-127 which ordered all state agencies to eliminate duplicative regulations. In addition these proposed rule changes would implement a new, more specific, application rating and ranking system to allow the Department to better differentiate closely competitive applications. The proposed changes would also amend the regulations to comport the State statute and to amend the State's implementation of the

Federal Law requiring that no more than 15% of the State's allocation go to public services, from a per grant cap to a portfolio-wide cap. The specific State regulations sections to be replaced by reference to federal regulations are as follows:

- § 7058. Eligible Activities.
- § 7082. Environmental Reviews.
- § 7084. Nondiscrimination.
- § 7086. Relocation and Acquisition.
- § 7098. Cash Depositories.
- § 7100. Bonding.
- § 7102. Retention and Custodial Requirements for Records.
- § 7104. Program Income.
- § 7106. Standards for Grantee Financial Management Systems.
- § 7108. Financial Reporting Requirements.
- § 7118. Property Management Standards.
- § 7120. Procurement Standards.
- § 7122. Audit Requirements.
- § 7124. Lump Sum Drawdown for Property Rehabilitation Financing.

The other State regulations sections to be amended are as follows:

- § 7058(h) is amended to change the 15 percent federal cap on public services from each and every local grant to portfolio-wide.
- § 7064(c) is amended to comport with State statute regarding the \$500,000 annual funding cap on general allocation grants.
- § 7068 is amended to comport with State statute and federal law permitting local grantees to use up to 7½ percent of their CDBG grant for general administration.
- § 7070 is amended to delete outdated requirements and inform the public through the annual notice of funding availability and application package.
- § 7078 through 7078.3 is amended to adopt a new rating and ranking system.

DISCLOSURES REGARDING THE PROPOSED ACTION

Local Mandate: The regulations do not impose any mandates on any local agencies or school districts.

Fiscal Impact Estimate:

- The amended regulations do not impose any additional costs on any local agencies or school districts. Existing regulations specify that eligible cities and counties may apply for a program grant for eligible activities and that a local agency that receives such a grant can utilize grant funds to pay for administrative costs incurred in implementing their program. The Department has determined that application preparation costs to local agencies would be reduced by approxi-

mately \$5,000 per application or approximately \$450,000 overall annually.

- The amended regulations do not result in any additional cost or savings to any state agency.
- The amended regulations do not impose any additional cost or savings on any federal funding of any state agency.
- The Department has determined that the proposed regulations will not have a significant adverse economic impact on business including the ability of California business to compete with other businesses in other states.

Assessment Regarding the Creation or Elimination of Jobs in California: The Department has determined that the adoption of these regulations will not create or eliminate jobs within California, create new business or eliminate existing businesses within California, or affect the expansion of businesses currently doing business within California.

Housing Costs: The regulations do not affect the cost of housing.

Cost Impact on Private Persons and Business: None.

Impact on Small Business: The proposed regulatory activity will have no significant adverse economic impact on small business because the proposed regulations deal with conforming state regulations to federal regulations, eliminate duplicative regulations and simplify the existing rating and ranking system. These changes affect local government but do not adversely affect small businesses such as building contractors and consultants who are involved in CDBG programs.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(12), the Department must determine that no alternative it considers would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the scheduled hearing.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the existing regulations. Copies of these items may be obtained from the Contact Person listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the hearing and written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Department adopts the regulations as revised. Copies of any modified regulations may be obtained from the Contact Person listed below. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

PLAIN ENGLISH REQUIREMENT

The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

CONTACT PERSON

Direct inquiries concerning the substance of the proposed rulemaking action, as well as requests for the above-noted document to:

William J. Pavão
State Community Development Block
Grant Program
Department of Housing and Community
Development
Division of Community Affairs
P.O. Box 952054, MS 390-2
Sacramento, CA 94252-2054
(916) 327-2130

GENERAL PUBLIC INTEREST

CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Final Decision to Certify Hazardous Waste Environmental Technology

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) intends to certify the following companies' hazardous waste environmental technology listed below:

Millipore Corporation, 80 Ashby Road,
Bedford, Massachusetts 01730: EnviroGard™
2,4,6-Trinitrotoluene (TNT) in Soil Test Kit.

Ohmicron Environmental Diagnostics, Inc.,
375 Pheasant Run, Newtown, PA 18940: TNT
RaPID Assay® Trinitrotoluene in Water and Soil).

Chapter 412, Statutes of 1993, Section 25200.1.5, Health and Safety Code, enacted by Assembly Bill 2060 (AB 2060 by Assemblyman Ted Weggeland), authorizes DTSC to certify the performance of hazardous waste environmental technologies. Only technologies that are determined not to pose a significant potential hazard to the public health and safety or to the environment when used under specified operating conditions and which can be operated without specialized training and with minimal maintenance may be certified. Incineration technologies are explicitly excluded from the certification program.

The purpose of the certification program is to provide an in-depth, independent review of technologies at the manufacturer's level to facilitate regulatory and end-user acceptance and to promote and foster growth of California's environmental technology industry.

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of public health and the environment.

By accepting certification, the manufacturer assumes, for the duration of certification, responsibility for maintaining the quality of the manufactured equipment and materials at a level equal or better than was provided to obtain certification and agrees to be subject to quality monitoring by DTSC as required by the statute under which certification is granted.

DTSC's notice of intent to certify was published on December 22, 1995, in the California Regulatory Notice Register Volume 95, No. 51-Z, p. 2087 and p. 2090-2094. Written comments in relation to the proposed certifications received during the public review and comment period have been duly considered in the final certifications as presented here. DTSC's final certifications shall become effective on March 11, 1996.

Additional information supporting DTSC's final certification decisions is available for review at:

California Environmental Protection Agency
Department of Toxic Substances Control
Office of Pollution Prevention and Technology
Development
P.O. Box 806, 301 Capitol Mall, 1st Floor
Sacramento, CA 95812-0806
Attn.: Mr. Tony Luan (916) 322-5244.

A description of the technologies to be certified, the proposed certification statements and the certification limitations for the technology of each of the companies listed above follows.

CERTIFICATION PROGRAM (AB2060) FOR HAZARDOUS WASTE ENVIRONMENTAL TECHNOLOGIES

FINAL NOTICE OF CERTIFICATION TECHNOLOGY

EnviroGard™ TNT in Soil Test Kit
(Trinitrotoluene in Soil)

MANUFACTURER

Millipore Corporation, 80 Ashby Road, Bedford,
Massachusetts 01730. Representative in California:
Ken McCourt, Tel. (800) 645-5476 Ext. 6212.

Certification Statement—Technology Specifications

Under the authority of Section 25200.1.5 of the California Health and Safety Code, DTSC hereby certifies the EnviroGard™ 2,4,6-Trinitrotoluene (TNT) in Soil Test Kit manufactured by Millipore Corporation as a **Measurement Technology**. The EnviroGard TNT assay system uses enzyme-linked immunosorbent assay (ELISA) technology. It differs from other systems in that polyclonal antibodies are attached to test tubes. The system uses soil extraction with acetone. The immunoassay system is semi-quantitative. Provided that the materials are used properly, detection is possible at 0.2 to 15.0 ppm in soil; ranges can be extended upward by dilution of the extracts.

Quantitative readings about a selected target level are obtained in a microprocessor-equipped, hand-held, battery-operated photometer or a compact table top photometer supplied by the manufacturer, or a

standard laboratory photometer. The calibration is not biased, but the user is instructed to select target levels so as to determine the degree of confidence in avoiding false negative results. The reaction with other nitroaromatics is insignificant except for 1,3,5-trinitrobenzene (a contaminant in technical grade TNT). HMX, RDX, Dinoseb and 2,4-dinitrophenol and the mononitroaromatics do not interfere. Differences in the extraction efficiency of TNT from various soils may cause positive or negative errors in the immunoassay results. Users should evaluate these factors before attempting to quantify results.

Great care is required and established safety measures must be observed in sampling and handling soil containing explosives. As with similar assays, certain temperature controls are required for reagent storage and for carrying out the assay. The assay should be used only by trained individuals to reduce operator-caused variability.

Limitations of Certification

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. Nor does DTSC warrant that the manufacturer's product or equipment is free from any defects in workmanship or material caused by negligence, misuse, accident, or other causes. DTSC believes, however, that the manufacturer's product or equipment can achieve performance levels set out in this Certification. Said belief is based on a review of the data submitted by the manufacturer and other information, and is based on the use of the product in accordance with the manufacturer's specifications.

This Certification is issued as part of a pilot project to expedite the California Environmental Technology Certification Program. As a result, this Certification is subject to the conditions set out in the regulations to-be-developed, such as the duration of the Certification, the continued monitoring and oversight requirements, and the procedures for certification amendments, including decertification.

By accepting this Certification, the manufacturer assumes, for the duration of the Certification, responsibility for maintaining the quality of the manufactured materials and equipment at a level equal or better than was provided to obtain this Certification and agrees to be subject to quality monitoring by DTSC as required by the law under which this Certification is granted.

Basis for Certification

The Documentation submitted by the manufacturer and other studies are listed in the evaluation report on which this certification is based. The manufacturer has asserted that certain materials contain proprietary information and therefore should not be subject to public disclosure.

Recommended Applications

The assay was developed for the semiquantitative determination of TNT. A semiquantitative determination will provide a response, interpreted as either positive or negative, at one or several predetermined detection or target levels. Target levels are usually chosen to have relevance to a specific situation (such as a regulatory action or cleanup level).

A comprehensive process of developing data quality objectives (DQO) was published by U.S. EPA under the U.S. Superfund Program. It provides guidance for analytical method QA/QC as applied to field investigations for contaminated soils. The process is intended for site-specific sampling plans. Here the immunoassay would generally qualify as a Level 2 (field analysis) method, subject to confirmation by a Level 3 method (confirmation and quantification, e.g., U.S. EPA Method 8330) applied predominantly to positive results. We recommend that minimum quality control should include a method blank and duplicates at 10 to 20 percent, or one per batch or per matrix, whichever is the more frequent, in addition to the samples required for confirmation. The use of proficiency evaluation and spiked samples should depend on project-specific needs.

U.S. EPA SW-846 Method 8330 is available and currently approved for establishing or confirming concentrations of TNT.

Screening and Preliminary Site Investigations

The immunoassay can assist in preliminary site investigations (Phase I), if there are compelling historical data to indicate the presence of TNT as in explosives manufacturing and handling and ordnance open burn and detonation operations. If used on samples with unknown potential for analytical interferences and matrix effects, confirmatory analysis is needed for every positive immunoassay result. The user should be aware of the reactions given by chemically related nitroaromatics which are common contaminants and breakdown products of TNT. No negative determinations can be made without taking into account the specificity of the assay and its possible susceptibility to interferences and matrix effects. In the absence of other regulations and guidelines, we recommend that assay results be confirmed in the following manner:

(a) For the delineation of TNT contamination in a coherent mass of soil, the required frequency of confirmation by an approved method resulting in identification and quantification is at least 10 percent of the samples testing positive at the target or action level applicable at the site. In the event that fewer than ten samples meet these criteria, at least one positive

sample shall be confirmed. Higher rates of confirmation apply if there is a potential for chemical interferences.

(b) Ten to twenty percent of results which are above the detection level but below the target or action level should be confirmed by an approved, fully quantitative method, except that a higher rate of confirmation may be necessary if the results are to be used in health risk assessments;

(c) Five to ten percent of all negative results, but no less than one result from each site or suspect area, should be confirmed.

If appropriate protocols are followed, the immunoassay can be used to advantage to classify contaminated soils as to low, medium, or high contamination and to determine which samples would provide the most information from laboratory analysis.

Site Investigations and Remedial Actions

Here the testing is expected to proceed under a site-specific Quality Assurance Project Plan (QAPP). Immunoassay and other field measurements will be bracketed in time and space by qualitative and fully quantitative analyses. Generally, a site is first characterized by the use of approved, fully qualitative and quantitative analytical methods as to the nature and level of contamination in key sampling locations and as to the presence of substances that may interfere with the use of the immunoassay. After such initial characterization, the immunoassay can be used in the comprehensive mapping of the site with respect to identified contaminant(s) to which the immunoassay responds. The percentage of samples that would be confirmed by another approved, fully quantitative method would be as stipulated in the QAPP; the project manager could call for additional confirmatory testing if such a need is indicated in the course of the investigation. During site cleanup, the QAPP would provide for use of the immunoassay to monitor progress. Confirmatory laboratory testing would occur before a decision on site closure is made.

Regulatory Implications

DTSC's Certification is based on the technology's performance and by itself does not change the regulatory status of TNT testing; it should, however, facilitate and encourage the acceptance of this technology where a project's data quality objectives can be met by its use. To this end, DTSC's findings should contribute to a consideration of this technology in regulated activities, depending on each program's objectives and constraints. State-regulated disposal facilities may contact state permitting officers for use of the immunoassay for operational monitoring. Other local and state government permitting authorities may take this certification under consideration when

making their permitting decisions. Project leaders may use this assay if it meets data quality objectives.

CERTIFICATION PROGRAM (AB 2060) FOR HAZARDOUS WASTE ENVIRONMENTAL TECHNOLOGIES

FINAL NOTICE OF CERTIFICATION

TECHNOLOGY

TNT RaPID Assay® (Trinitrotoluene
in Water and Soil).

MANUFACTURER

Ohmicron Environmental Diagnostics, Inc., Newtown, PA 18940; Representatives in California: Paul Georgantas and Charles Mamrak, Tel. 800/544-8881.

Certification Statement—Technology Specifications

Under the authority of Section 25200.1.5 of the California Health and Safety Code, DTSC hereby certifies the TNT RaPID Assay® (Trinitrotoluene in Water and Soil) manufactured by Ohmicron Environmental Diagnostics, Inc. as a **Measurement Technology**. The Ohmicron TNT RaPID Assay System uses enzyme-linked immunosorbent assay (ELISA) technology. It differs from other systems in that polyclonal antibodies are supplied attached to magnetic particles. TNT in water is assayed directly; for soils, the system uses extraction with alkaline methanol. The immunoassay system is semi-quantitative. Provided that the materials are used properly, detection is possible at 0.25 to 5.0 ppb in water and 0.25 to 5.0 ppm in soil; ranges can be extended upward by dilution of the extracts.

Quantitative readings about a selected target level are obtained in a microprocessor-equipped, hand-held, battery-operated photometer or a compact table top photometer supplied by the manufacturer, or a standard laboratory photometer. The calibration is not biased, but the user is instructed to select target levels so as to determine the degree of confidence in avoiding false negative results. The reaction with other nitroaromatics is insignificant except for 1,3,5-trinitrobenzene (a contaminant in technical grade TNT). HMX, RDX, Dinoseb and 2, 4-dinitrophenol and the mononitroaromatics do not interfere. Differences in the extraction efficiency of TNT from various soils may cause positive or negative errors in the immunoassay results. Users should evaluate these factors before attempting to quantify results.

Great care is required and established safety measures must be observed in sampling and handling soil containing explosives. As with similar assays, certain temperature controls are required for reagent storage and for carrying out the assay. The assay

should be used only by trained individuals to reduce operator-caused variability.

Limitations of Certification

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. Nor does DTSC warrant that the manufacturer's product or equipment is free from any defects in workmanship or material caused by negligence, misuse, accident, or other causes.

DTSC believes, however, that the manufacturer's product or equipment can achieve performance levels set out in this Certification. Said belief is based on a review of the data submitted by the manufacturer and other information, and is based on the use of the product in accordance with the manufacturer's specifications.

This Certification is issued as part of a pilot project to expedite the California Environmental Technology Certification Program. As a result, this Certification is subject to the conditions set out in the regulations to-be-developed, such as the duration of the Certification, the continued monitoring and oversight requirements, and the procedures for certification amendments, including decertification.

By accepting this Certification, the manufacturer assumes, for the duration of the Certification, responsibility for maintaining the quality of the manufactured materials and equipment at a level equal or better than was provided to obtain this Certification and agrees to be subject to quality monitoring by DTSC as required by the law under which this Certification is granted.

Basis for Certification

The Documentation submitted by the manufacturer and other studies are listed in the evaluation report on which this Certification is based. The manufacturer has asserted that certain materials contain proprietary information and therefore should not be subject to public disclosure.

Recommended Applications

The assay was developed for the semiquantitative determination of TNT. A semiquantitative determination will provide a response, interpreted as either positive or negative, at one or several predetermined detection or target levels. Target levels are usually chosen to have relevance to a specific situation (such as a regulatory action or cleanup level).

A comprehensive process of developing data quality objectives (DQO) was published by U.S. EPA under the U.S. Superfund Program. It provides guidance for analytical method QA/QC as applied to field investigations for contaminated soils. The process is intended for site-specific sampling plans. Here the immunoassay would generally qualify as a Level 2 (field analysis) method, subject to confirmation by a Level 3

method (confirmation and quantification, *e.g.*, EPA Method 8330) applied predominantly to positive results. We recommend that minimum quality control should include a method blank and duplicates at 10 to 20 percent, or one per batch or per matrix, whichever is the more frequent, in addition to the samples required for confirmation. The use of proficiency evaluation and spiked samples should depend on project-specific needs.

U.S. EPA SW-846 Method 8330 is available and currently approved for establishing or confirming concentrations of TNT.

Screening and Preliminary Site Investigations

The immunoassay can assist in preliminary site investigations (Phase I), if there are compelling historical data to indicate the presence of TNT as in explosives manufacturing and handling and ordnance open burn and detonation operations. If used on samples with unknown potential for analytical interferences and matrix effects, confirmatory analysis is needed for every positive immunoassay result. The user should be aware of the reactions given by chemically related nitroaromatics which are common contaminants and breakdown products of TNT. No negative determinations can be made without taking into account the specificity of the assay and its possible susceptibility to interferences and matrix effects. In the absence of other regulations and guidelines, we recommend that assay results be confirmed in the following manner:

(a) For the delineation of TNT contamination in a coherent mass of soil, the required frequency of confirmation by an approved method resulting in identification and quantification is at least 10 percent of the samples testing positive at the target or action level applicable at the site. In the event that fewer than ten samples meet these criteria, at least one positive sample shall be confirmed. Higher rates of confirmation apply if there is a potential for chemical interferences.

(b) Ten to twenty percent of results which are above the detection level but below the target or action level should be confirmed by an approved, fully quantitative method, except that a higher rate of confirmation may be necessary if the results are to be used in health risk assessments;

(c) Five to ten percent of all negative results, but no less than one result from each site or suspect area, should be confirmed.

If appropriate protocols are followed, the immunoassay can be used to advantage to classify contaminated soils as to low, medium, or high contamination and to determine which samples would provide the most information from laboratory analysis.

Site Investigations and Remedial Actions

Here the testing is expected to proceed under a site-specific Quality Assurance Project Plan (QAPP). Immunoassay and other field measurements will be bracketed in time and space by qualitative and fully quantitative analyses. Generally, a site is first characterized by the use of approved, fully qualitative and quantitative analytical methods as to the nature and level of contamination in key sampling locations and as to the presence of substances that may interfere with the use of the immunoassay. After such initial characterization, the immunoassay can be used in the comprehensive mapping of the site with respect to identified contaminant(s) to which the immunoassay responds. The percentage of samples that would be confirmed by another approved, fully quantitative method would be as stipulated in the QAPP; the project manager could call for additional confirmatory testing if such a need is indicated in the course of the investigation. During site cleanup, the QAPP would provide for use of the immunoassay to monitor progress. Confirmatory laboratory testing would occur before a decision on site closure is made.

Regulatory Implications

DTSC's Certification is based on the technology's performance and by itself does not change the regulatory status of TNT testing; it should, however, facilitate and encourage the acceptance of this technology where a project's data quality objectives can be met by its use. To this end, DTSC's findings should contribute to a consideration of this technology in regulated activities, depending on each program's objectives and constraints. State-regulated disposal

facilities may contact state permitting officers for use of the immunoassay for operational monitoring. Other local and state government permitting authorities may take this Certification under consideration when making their permitting decisions. Project leaders may use this assay if it meets data quality objectives.

**CALIFORNIA LAW REVISION
COMMISSION**

NEWS RELEASE Contact: Nathaniel Sterling
January 26, 1996 Executive Secretary
For Immediate Release (415) 494-1335

**REVISION OF STATUTES GOVERNING
STATE AGENCY REGULATIONS**

Law Revision Commission Begins Study

As the next phase in its continuing study of the state Administrative Procedure Act, the California Law Revision Commission will shortly begin its review of statutes governing adoption of regulations by state agencies.

The Law Revision Commission invites written suggestions from the public for specific improvements in the state rulemaking statutes.

Persons wishing to review the Commission's final or tentative recommendations on this topic who are not already on the Commission's administrative law mailing list may register their interest by writing to the Commission.

The Commission's address is:

California Law Revision Commission
4000 Middlefield Road
Palo Alto, CA 94303-4739

RULEMAKING
BY CALIFORNIA STATE AGENCIES
AND THE ROLE OF
THE OFFICE OF ADMINISTRATIVE LAW
ORDER FORM

Orders are now being taken for the 1995–1996 version of OAL’s booklet, Rulemaking by California State Agencies and the Role of the Office of Administrative Law. This booklet contains an overview of the rulemaking process, including OAL’s role, graphics, and a glossary of key terms.

Prices: **\$2.75** Sent by U.S. Mail.

\$1.50 Lower price—only if picked up in person at OAL or sent by Interagency Mail Service.

If you plan to personally pick up more than 10 copies, please phone ahead. We cannot accept cash. For further information, please contact OAL’s Front Desk, (916) 323-6225, CALNET 8-473-6225.

_____ Yes, I would like ____ copy/ies of the 1995–1996 Rulemaking by California State Agencies and the Role of the Office of Administrative Law.

Name and address:

Mail this form with your check (made payable to the “State of California”) to:

Front Desk (Rulemaking Booklet)
OFFICE OF ADMINISTRATIVE LAW
555 Capitol Mall, Suite 1290
Sacramento, CA 95814-4602

COURSES IN RULEMAKING UNDER THE ADMINISTRATIVE PROCEDURE ACT FOR STATE EMPLOYEES

In cooperation with the Department of Personnel Administration, the Office of Administrative Law conducts two different training courses dealing with rulemaking under the Administrative Procedure Act (APA).

- **RULEMAKING UNDER THE ADMINISTRATIVE PROCEDURE ACT** (Course #824) is a three day comprehensive/technical workshop aimed at state administrative and technical staff involved in the detailed processes of rulemaking.
- **DRAFTING RULES IN PLAIN ENGLISH** (Course #823) is a one day course for those who are familiar with the rulemaking process but need help drafting rules that meet the Administrative Procedure Act's "clarity" standard.

The classes are offered through the State Training Center, which handles all administrative aspects of the course (i.e., sign-up, payment, etc.). Please sign up through your Departmental Training Officer/Coordinator or Personnel Office on Registration Std. Form 697. All classes are held at the State Training Center, 1515 S Street, North Building, Suite 105, Sacramento, CA 94244-2350, (916) 445-5121 (CALNET 485-5121).

Classes fill quickly. Please sign up as early as possible to secure your desired class section.

#824—Rulemaking Under the Administrative Procedure Act

- Who: State administrative and technical staff involved in the rulemaking process.
- What: A three-day workshop on the elements of the Administrative Procedure Act rulemaking process, how to draft a regulation and what the Office of Administrative Law looks for when reviewing a regulation.

Content: Definition of "regulation"
Overview of the rulemaking process
Drafting a regulation
Adoption and review of emergency regulations
Creating and organizing a rulemaking record
Preparing a notice of proposed rulemaking
Drafting documents required for rulemaking
Submitting a notice for publication
Public hearings/comments
Review by OAL
Fiscal/Small Business impact
Petitions, Priority Review and Judicial Review of existing regulations
Underground regulations

Tuition: \$245

When: Section 4—March 12–14, 1996
Section 5—May 14–16, 1996

#823—Drafting Rules In Plain English

Who: State employees who are familiar with the rulemaking process but need help in drafting rules that meet the APA's "Clarity" standard

What: A one-day workshop on drafting regulations in plain English

Content: Identifying your audience
Principles of drafting rules in clear and concise language
APA Clarity standards

Tuition: \$85

When: Section 3—February 28, 1996
Section 4—April 15, 1996

1996 APA Booklet

Order Form

Orders are now being taken for the January 1996 version of OAL's annual APA booklet. Current as of January 1, 1996, this bound booklet contains (1) the complete *rulemaking* portion of the California Administrative Procedure Act, (2) current OAL regulations interpreting the APA, (3) other statutes of interest, such as the Permit Reform Act of 1981, (4) a complete index to both the APA and OAL regulations, and (5) a cross-reference table showing former and current APA section numbers. (Statutes of 1994, chapter 1039 (AB 2531/Gotch) reorganized and renumbered many APA sections effective January 1, 1995.) Finally, rulemaking-related parts of Statutes of 1995, Chapter 938 (SB 523/Kopp) are included.

Prices: **\$6.40** Sent by U.S. Mail.

\$3.50 Lower price—only if picked up in person at OAL or sent by Interagency Mail Service.

If you plan to personally pick up more than 10 copies, please phone ahead. We cannot accept cash. For further information, please call OAL's Front Desk, (916) 323-6225, CALNET 8-473-6225.

_____ Yes, I would like ____ copy/ies of the 1996 APA booklet "California Rulemaking Law: Statutes and Regulations Governing the California Rulemaking Process."

Name and address:

Mail this form with your check (made payable to "State of California") to:

Front Desk (Booklet)
OFFICE OF ADMINISTRATIVE LAW
555 Capitol Mall, Suite 1290
Sacramento, CA 95814-4602

(rev'd 12/95)

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AGING DEPT.

Consumer Grievances

This regulatory action establishes procedures for Area Agencies on Aging (AAAs) to follow for resolving consumer grievances.

Title 22

California Code of Regulations

Adopt 7105, 7115, 7117, 7140, 7150, 7400, 7402, 7404, 7406; Amend 8500, 8502, 8504, 8506, 8508, 8510, 8512, 8514, 8516

Filed 01/29/96

Effective 02/28/96

Agency Contact: Ruthell Ussery 916-323-0178

AUTOMOTIVE REPAIR

Motor Vehicle Inspection Program

This action is the certification of compliance for the formal adoption of regulatory amendments which define the term "test-only facility" for purposes of the automotive smog test program and specify the manner in which the fee for testing at a test-only facility will be set under current and future contracts.

Title 16

California Code of Regulations

Adopt 3340.1(p), 3340.7

Filed 01/25/96

Effective 01/25/96

Agency Contact: Donald Minnich 916-255-3163

CORPORATIONS

Fee for the Eligible Securities List

This regulatory action amends the designation of publisher for the Eligible Securities List and the cost of subscription.

Title 10

California Code of Regulations

Amend 260.608

Filed 01/24/96

Effective 02/23/96

Agency Contact: William Kenefick 916-322-3553

CORRECTIONS DEPT.

C&PR endorsement of transfers of Civil Addicts and Illegal Aliens

This emergency regulatory action permits Classification and Parole Representatives to endorse transfers of civil addicts transferring to a community correctional facility, and illegal aliens transferring pursuant to deportation proceedings.

Title 15

California Code of Regulations

Amend 3379

Filed 01/30/96 Emergency

Effective 01/30/96

Agency Contact: Donna McKinney 916-358-2456

EMPLOYMENT DEVELOPMENT

Taxable Value of Board and Lodging

The proposed regulatory action is the annual cost-of-living adjustment of the cash wage equivalent of employer-furnished meals or lodging.

Title 22

California Code of Regulations

Amend 926-3, 926-4, 926-5

Filed 01/26/96

Effective 01/26/96

Agency Contact: Penny Ayers 916-654-8410

ENVIRONMENTAL HEALTH HAZARD

Changes to Section 14000, Titles 22 and 26, California Code of Regulations

This amendment to the list of "Chemicals Required by State or Federal Law to Have Been Tested for Potential to Cause Cancer or Reproductive Toxicity, but Which Have Not Been Adequately Tested as Required" is submitted for printing only pursuant to Government Code section 11343.8.

Titles 22, 26

California Code of Regulations

Amend 14000

Filed 01/31/96

Effective 01/31/96

Agency Contact: Charles M. Shulock 324-7572

MANAGED RISK MEDICAL INS. BD.

Conflict of Interest Name Change

This Conflict of Interest Code was submitted for printing only.

Title 02

California Code of Regulations

Amend 54400

Filed 01/25/96

Effective 02/24/96

Agency Contact: Dennis Gilliam 916-324-4695

PHARMACY BOARD

Building and Security Standards

This regulatory action amends building and security standards for pharmacies.

Title 16

California Code of Regulations

Adopt 1714; Repeal 1711, 1712, 1713

Filed 01/30/96

Effective 02/29/96

Agency Contact: 916-324-2302

PILOT COMMISSIONERS

Incident Investigation; Pilot Trainee Selection Process

This action amends and expands upon the regulations which prescribe the manner in which incidents shall be investigated and the procedure for selection of Pilot Trainees.

Title 07

California Code of Regulations

Amend 210 and 213

Filed 01/26/96

Effective 02/25/96

Agency Contact: Julia Hoskins 415-397-2253

REGISTERED NURSING

Public Health Nurse

The Board of Registered Nursing is renumbering sections 4500 to 4504 of title 17, to sections 1490 to 1494 of title 16. This change is required by Business and Professions Code section 2819 which also states the amendment is exempt from review by the Office of Administrative Law.

Title 16

California Code of Regulations

Adopt 1490, 1491, 1492, 1493, 1494

Filed 01/29/96

Effective 02/28/96

Agency Contact: John McLaughlin 916-324-4605

SOCIAL SERVICES

GAIN Reform 1996

This emergency regulatory action deals with GAIN program requirements, including, in general, program participation, exemption and deferral criteria, cost reduction procedures, submission and approval of GAIN county plans, the development and achievement of county performance objectives, and conciliation procedures for nonresponsive participants.

Title MPP

California Code of Regulations

Amend 42-710, 42-711, 42-720, 42-730, 42-731, 42-740, 42-741, 42-742, 42-750, 42-760, 42-761, 42-771, 42-772, 42-773, 42-774, 42-775, 42-781, 42-782, 42-783, 42-786, 42-787, 42-788, 42-796, 42-798; Repeal 42-600, 42-625, 42-645, 42-650, 42-660, 42-675, 42-680, 42-682, 42-685, 42-686, 42-688, 42-691

Filed 01/26/96 Emergency

Effective 01/26/96

Agency Contact: Frank R. Vitulli 916-657-2586

TOXIC SUBSTANCES CONTROL

Land Disposal Restrictions

This filing is the certification of compliance for the formal adoption of extensive revisions to land disposal restrictions to bring them into closer alignment with federal regulations.

Title 22/26

California Code of Regulations

Amend 66260.10, 66261.11, 66261.3, 66261.31, 66262.10, 66262.34, 66264.13, 66264.73, 66264.110, 66264.111, 66264.112, 66264.140, 66264.142, 66264.316, 66265.1, 66265.13, 66265.73, 66265.110, 66265.111, 66265.112, 66265.140, 66265.142, 66265.221, 66265.316, 66268.1, 66268.5, 66268.7, 66268.9, 66268.10, 66268.12, 66268.33, 66268.35, 66268.40, 66268.41, 66268.42, 66268.43, 66268.50, 662670.13, 662670.14, 66270.42, 66270.72, Appendix I to Chapter 18, Appendix II to Chapter 18, Appendix III to Chapter 18, Appendix IV to Chapter 18, Appendix V to Chapter 18, Appendix VII to Chapter 18, Appendix I to Sec. 66270.42; Adopt 66264.1100, 66264.1101, 66264.1102, 66265.1100, 66265.1101, 66265.1102, 66268.36, 66268.37, 66268.38, 66268.45, 66268.46, 66268.48, Appendix VIII to Chapter 18, Appendix IX to Chapter 18

Filed 01/31/96

Effective 01/31/96

Agency Contact: Joan Ferber 916-322-6409

TOXIC SUBSTANCES CONTROL

Unified Hazardous Waste and Hazardous Materials Management Program

This filing is a certificate of compliance for an emergency regulatory action which established a unified hazardous waste materials management program pursuant to subsection (c) of Health and Safety Code section 25404.6.

Title 27

California Code of Regulations

Adopt 15100, 15110, 15120, 15130, 15140, 15150, 15160, 15170, 15180, 15190, 15200, 15210, 15220, 15230, 15240, 15250, 15260, 15270, 15280, 15290, 15300, 15310, 15320

Filed 01/31/96

Effective 01/31/96

Agency Contact: Joan Ferber 916-322-6409

TRADE & COMMERCE AGENCY

Local Area Military Base Recovery Areas

This Certificate of Compliance establishes the procedures for application and designation of Local Area Military Base Recovery Areas (LAMBRAs). (Previous OAL file ## 94-1031-01E, 95-0605-01E)

Title 10

California Code of Regulations

Adopt 5750, 5750.1, 5750.2, 5750.3, 5750.4, 5750.5, 5750.6, 5750.7, 5750.8, 5750.9

Filed 01/24/96

Effective 01/24/96

Agency Contact: Crystal Machado 916-322-1490

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE**

October 4, 1995–January 31, 1996

All regulatory actions filed by OAL during this time period are listed below by California Code of Regulation titles, then by date filed with the Secretary of State. (Manual of Policies and Procedures changes adopted by the Department of Social Services are listed last.) For further information call the contact person listed in the Summary of Regulatory Actions part of the Notice Register published on the first Friday more than nine days after the date filed.

Title 02

01/25/96 Amend 54400

01/18/96 Adopt 20107

01/09/96 Adopt 599.615.1, 616.1, 624.1, 626.1, 627.1, 628.1, 629.1, 633.1, 635.1, 636.1, 638.1, 714.1, 715.1, 716.1, 717.1, 718.1, 719.1, 720.1, 724.1; Amend 599.619, 623, 625.1, 631, 722

12/26/95 Amend 2970

12/19/95 Amend 55300

12/15/95 Adopt 566.1 and 571

12/11/95 Amend 18702.1

12/11/95 Adopt 18420.5

12/01/95 Adopt 554.5, 554.6, 554.7

11/30/95 Amend 26100

11/30/95 Adopt 56100

11/27/95 Amend 18702.2

11/14/95 Adopt 56000

11/07/95 Adopt 18225.7; Amend 18215

Title 03

01/19/96 Amend 3254(b)

01/17/96 Adopt 3915, 3915.1, 3916, 3917, 3918; Amend 3867; Repeal 3915, 3916, 3916.1, 3916.2, 3916.3, 3917, 3918, 3919, 3920, 3921

01/17/96 Amend 1436.30

01/04/96 Amend 3406(b)

01/03/96 Adopt 3612

12/22/95 3161

12/18/95 Amend 3417(b)

12/07/95 Amend 3591.6(a)

11/22/95 Amend 3417(b)

11/09/95 Adopt 665; Amend 645, 646, 648, 650, 659, 663

10/18/95 Amend 3595(d)

10/16/95 Amend 3282

Title 03/26

12/11/95 Adopt 6910, and 6920

11/17/95 Amend 6402

Title 04

01/16/96 Amend 150

01/09/96 Amend 1685

01/09/96 Amend 1858

01/09/96 Repeal 1816

01/05/96 Adopt 4600; Repeal 4655, 4655.1, 4655.2, 4655.3, 4600, 4601, 4602, 4603, 4604, 4605, 4606, 4607, 4608, 4609, 4610, 4611, 4612, 4613, 4614, 4615, 4616, 4617, 4618, 4619, 4620, 4621, 4622, 4623, 4624, 4625, 4626, 4650, 4651, 4652, 4652.1, 4652.2, 4652.3, 4652.4, 4652.5, 4652.6, 4653, 4653.1, 4653.2, 4653.3, 4654, 4654.1, 4654.2, 4654.3, 4654.4, 4655.4, 4656, 4657, Tables 1–7, and Figure 1

01/02/96 Adopt 141

12/13/95 Amend 1761

11/14/95 Amend 1951

11/01/95 Amend 1610

11/01/95 Amend 1977

10/30/95 Adopt 495, 496; Amend 216, 234, 242, 272, 282, 287, 294, 298, 302, 305, 318, 319, 320, 321, 322, 330, 335, 337, 338, 339, 341, 342, 345, 346, 347, 349, 351, 352, 353, 354, 356, 357, 360, 361, 362, 363, 365, 368, 371, 372, 373, 375, 376, 378, 379; Repeal 223, 313, 340

Title 05

12/04/95 Repeal 3061, 3062, 3063, 3064, 3065, 3066, 3067

Title 07

01/26/96 Amend 210 and 213

Title 08

01/16/96 Adopt 5585.1

01/02/96 Amend 3649

12/27/95 Amend 10.1

12/21/95 Amend 1529(b)

12/21/95 Amend 41

12/18/95 Amend 1541.1(b)(1)(B) and 2940.6(a)(8)

12/06/95 Amend 4885 and 5021

12/04/95 Amend 4350, 4351, 4352, 4353(b)

11/30/95 Adopt 9720.1, 9720.2, 9721.1, 9721.2, 9721.31, 9721.32, 9722, 9722.1, 9722.2, 9723
 11/22/95 Adopt 3062, 3062.1, 3062.2, 3062.3, 3062.4, 3063, 3063.1, 3063.3, and 3063.4
 11/14/95 Amend 15600, 15603, 15605, 15606, 15607, 15608; Repeal 15601.6, 15603.5, 15605.5, 15607.5
 11/08/95 Amend 341.1(f)
 10/23/95 Amend 3295
 10/19/95 Amend 20164, 20190, 20240, 20241, 20242, 20286, 20370, 20393
 10/18/95 Amend 15251, 15400.1, 15404.2, 15431.1
 10/16/95 Amend 5031(c)
 10/11/95 Amend 10.1

Title 09

12/18/95 Amend 7337 and 7339
 10/24/95 Amend 9801.5, 9812, 9816, 9820, 9854, 9856, 9876.5, 9879

Title 10

01/24/96 Amend 260.608
 01/24/96 Adopt 5750, 5750.1, 5750.2, 5750.3, 5750.4, 5750.5, 5750.6, 5750.7, 5750.8, 5750.9
 01/22/96 Amend 2699.200, 2699.201
 01/02/96 Amend 2353.1
 12/19/95 Adopt 1300.71.4
 12/19/95 Adopt 2661.1, 2661.2, 2661.3, 2661.4, 2662.1, 2662.2, 2662.3, 2662.4, 2662.5, 2662.6, 2662.7, 2662.8; Repeal 2615.1, 2616.1, 2617.1, 2617.4, 2617.5, 2619.1, 2619.2, 2620.1, 2620.2, 2620.3, 2620.4, 2620.5, 2620.6, 2620.7, 2620.8, 2620.9, 2620.10
 12/19/95 Amend 260.001, 260.140.01, 260.140.05, 260.140.20, 260.140.31, 260.613
 12/15/95 Amend 2318.6 and 2354
 12/15/95 Amend 102.300
 12/12/95 Adopt 2360.0, 2360.1, 2360.2, 2360.3, 2360.4, 2360.5, 2360.6 and 2360.7
 12/07/95 Amend 260.102.8, 260.165, 1300.51.2 and 1959.2
 12/06/95 Adopt 3559
 12/05/95 Amend 260.101.2
 12/05/95 Adopt 2632.5
 11/28/95 Adopt 2431.1, 2431.2, 2431.3
 11/13/95 Amend 4020.1, 4020.2, 4020.3, 4020.4, 4020.5
 10/18/95 Adopt 5602.3; Amend 5600, 5600.1, 5602
 10/18/95 Amend 2699.6000, 2699.6107, 2699.6121, 2699.6139, 2699.6141, 2699.6177, 2699.6181, 2699.6183, 2699.6205, 2699.6211; Repeal 2699.6157
 10/17/95 Amend 2690

Title 11

01/23/96 Amend 1005, 1007, 1008, Commission Procedures D-11, D-13, H-1, H-3
 01/18/96 Amend 1005
 01/11/96 Adopt 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 378, 379, 380, 381, 382, 383, 384
 12/06/95 Amend Division 2, Article 2
 12/05/95 Amend 50.13
 11/21/95 Amend 50.12
 10/11/95 Amend 1005

Title 12

12/06/95 Amend 600

Title 13

01/18/96 Adopt 343.00, 343.02, 343.03, 343.04, 343.05, 343.06
 12/21/95 Adopt 2330, 2331, 2332
 12/21/95 Amend 1107, 1107.2, 1107.4
 12/14/95 Amend 1956.8, 1965, 2112
 12/05/95 Amend 1256.5(c)(3)
 11/30/95 Amend 2190, 2193
 11/29/95 Amend 1212
 10/26/95 Adopt 120.04
 10/23/95 Amend 794

Title 14

01/16/96 Amend 17956, 17958, 17972
 01/10/96 Amend 3501
 01/08/96 Adopt 18827, 18828, 18829, 18830, 18831
 01/05/96 Amend 3600, 3601, 3603
 12/28/95 Adopt 1038
 12/28/95 Amend 2000, 2040, 2090, 2110, 2425, 2430, 2517, 2518, 2519, 2530, 2540, 2950, 2960, 2965, 2980, 2985
 12/28/95 Amend 1115, 1115.1, 1115.2, 1115.3; Repeal 115.4
 12/22/95 Amend 2000, 2420, 2425, 2955
 12/22/95 Adopt 2140
 12/21/95 Adopt 1051
 12/11/95 Amend 630
 12/08/95 Adopt 895.1, 898.1, 914.2(d), 914.2(f), 914.3(e), 914.6(d), 914.8(e), 916.3(c), 916.4(d), 923.1(e), 1032.7(d)10, 1034x, 1034x(4), 1034x(7), 1034x(8), 1034x(15), 1034x(16), 1034x(17), 1052(g), 1052.1, 1052.2, 1090.2(g), 1090.6
 12/01/95 Amend 670.5
 11/28/95 Adopt 18449, 18450, 18451, 18452, 18453, 18453.1, 18453.2, 18454, 18454.1, 18454.2, 18454.3, 18454.4, 18454.5, 18455, 18455.1, 18455.2, 18455.3, 18456, 18456.1, 18456.2,

18456.3, 18456.4, 18456.6, 18456.7,
18456.8, 18456.9, 18456.10, 18456.11,
18456.12, 18456.13, 18457, 18457.1,
18458, 18458.1, 18459.1, 18459.2,
18459.3, 18459.4, 18459.5, 18459.6,
18459.7, 18460, 18460.1, 18460.2,
18460.3, 18460.4, 18641, 18641.1,
18462, 18462.1, 18462.2; Amend 18420
11/28/95 Amend 7.5(b)(35)
11/21/95 Amend Div. 6, Ch. 4
11/21/95 Amend 18771, 18775, 18787
11/15/95 Amend Div. 6, Ch. 4
11/15/95 Amend 164
11/14/95 Adopt 180.1; Amend 120.3, 180
11/13/95 Amend 180.2
11/07/95 Amend 163 and 164
10/26/95 Amend 18100
10/19/95 Amend 630
10/16/95 Amend 231
10/12/95 Adopt 251.7; Amend 502; Repeal 504

Title 15

01/30/96 Amend 3379
01/08/96 Adopt 3220.2; Amend 3040, 3044, 3220,
3220.1; Repeal 3220.3
01/03/96 Adopt 3024, 3104, 3138; Repeal 3109
12/27/95 Amend 3006, 3136, 3146, and 3147
12/26/95 2600.1
12/18/95 Amend 3378(c)(2)(3)
12/15/95 Amend 3375.3(b)(2)(H)3
11/30/95 Adopt 7001
11/07/95 Amend 3044 and 3174
10/17/95 Amend 3290
10/17/95 Amend 3097
10/16/95 Amend 3160

Title 16

01/30/96 Adopt 1714; Repeal 1711, 1712, 1713
01/29/96 Adopt 1490, 1491, 1492, 1493, 1494
01/25/96 Adopt 3340.1(p), 3340.7
01/18/96 Adopt 1313.2, 1313.3, 1313.4, 1313.5,
1313.6
01/11/96 Amend 1081.2 and 1082.2
01/08/96 Amend 3116, 3151, 3152, 3162
01/03/96 Adopt 2033 & 2033.1
12/19/95 Adopt 962, 962.1, 962.2, 962.3, 962.4,
962.5 and 962.6; Amend 974
12/18/95 Amend 1082.1
12/18/95 Amend 109
12/11/95 Amend 1399.662, 1399.666, 1399.667
12/06/95 Amend 1364.11
12/05/95 Adopt 3340.28, 3340.29, 3340.30;
Amend 3303.2, 3340.1, 3340.15,
3340.22.1, 3340.23, 3340.24, 3340.31,
3340.32, 3340.32.1, 3340.33, 3340.33.1,
3340.35, 3340.36, 3340.37, 3340.50,
3340.50.3, 3340.50.5; Repeal 3340.25,
3340.30, 3340.34

12/01/95 Amend 3340.42, 3340.42.1
11/30/95 Amend 1399.301, 1399.302, 1399.303,
1399.304, 1399.305, 1399.350, 1399.351,
1399.354, 1399.371, 1399.372, 1399.373
11/28/95 Adopt 1379.22
11/20/95 Adopt 3340.8
11/20/95 Adopt 1398.21.1
11/16/95 Amend 407, 443, 444
11/15/95 Repeal 1353
11/14/95 Amend 2620, 2621, 2649
11/09/95 Amend 832, 856; Repeal 818, 820, 821,
822, 852, 862
11/07/95 Adopt 974.1 and 974.2
10/26/95 Adopt 1354.5
10/05/95 Adopt 1379.11

Title 17

01/22/96 Adopt 1054.1, 1054.2; Amend 1053
01/10/96 Adopt 90800.6; Amend 90803
01/08/96 Adopt 94520, 94521, 94522, 94523,
94524, 94525, 94526, 94527, 94528;
Amend 94540, 94541, 94542, 94543,
94547, 94550, 94551, 94553
12/22/95 Adopt 6901, 6902, 6903, 6904, 6905
12/04/95 Adopt 54349, 58600, 58601, 58602,
58610, 58611, 58612, 58613, 58614,
58615, 58616, 58620, 58621, 58630,
58631, 58632, 58640, 58641, 58642,
58643, 58650, 58651, 58652, 58653,
58654, 58660, 58661, 58662, 58663,
58670, 58671, 58672, 58680; Amend
54302, 54310, 54314
11/14/95 Adopt 56075, 56076, 56077, 56078,
56079, 56080, 56081, 56082, 56083,
56084, 56085, 56086, 56087, 56088,
56089, 56090, 56091, 56092, 56093,
56094, 56095, 56096, 56097, 56098,
56099; Amend 54310, 54322, 54354
10/16/95 Adopt 30195.1 and 30195.2; Amend
30100, 30194, 30195.1 (redesignated as
30195.3) and 30256
10/11/95 Amend 93106

Title 18

12/29/95 Adopt 5010, 5011, 5012, 5013, 5020,
5021, 5022, 5023, 5024, 5030, 5031,
5032, 5033, 5034, 5035, 5036, 5040,
5041, 5042, 5043, 5044, 5050, 5051,
5052, 5053, 5054, 5055, 5056, 5057,
5060, 5061, 5062, 5063, 5064, 5070,
5071, 5072, 5073, 5074, 5075, 5076,
5077, 5078, 5079, 5080, 5081, 5082,
5083, 5084, 5085, 5086, 5087; Amend
901, 902, 903, 904; Repeal 136, 451, 452,
453, 454, 455, 456, 457, 458, 905, 906,
907, 908, 909, 910, 911, 912, 913, 914,
915, 916, 100
12/19/95 Amend 462.180

12/13/95 Amend 307
 12/13/95 Amend 1630
 12/08/95 Amend 2551
 11/29/95 Amend 2550
 10/18/95 Amend 17000.30
 10/11/95 Amend 1618
 10/06/95 Adopt 473
 10/05/95 Amend 1620
 10/04/95 Adopt 25137-12

Title 19

12/01/95 Adopt 2444, 2445, 2446, 2447, 2448;
 Amend 2402, 2428, 2443, 2450

Title 20

11/02/95 Adopt 59.1, 59.2, 61.1, 77.6, 78, 79, 80,
 81; Amend 59, 60, 61; Repeal 60.1, 81.5

Title 21

01/10/96 Amend 7102, 7114, and 7118
 12/05/95 Amend 6611 and 6633.2

Title 22

01/29/96 Adopt 7105, 7115, 7117, 7140, 7150,
 7400, 7402, 7404, 7406; Amend 8500,
 8502, 8504, 8506, 8508, 8510, 8512,
 8514, 8516
 01/26/96 Amend 926-3, 926-4, 926-5
 01/11/96 Amend 51056
 01/05/96 Amend 101158 and 102358
 01/03/96 Amend 51507, 51515, 51321, 51527,
 51521
 01/02/96 Amend 58059, 58061
 12/22/95 Adopt 35044, Amend 35011, 35015,
 35017, 35047, 350201; Repeal 35203
 12/21/95 Amend 51510.2, 51510.3 and 59998
 12/14/95 Adopt 51341.1, 51490.1, 51516.1;
 Amend 51341, 51490, 51516
 12/12/95 Adopt 74626, 74664, 74710, 74718,
 74742, 74744; Amend 74600, 74607,
 74609, 74624, 74625, 74665, 74669,
 74675, 74695, 74697, 74703, 74705,
 74707, 74709, 74717, 74719, 74721,
 74723, 74731, 74735, 74743; Repeal
 74611, 74637, 74691, 74699, 74733,
 74737, 74739, 74741
 12/11/95 Adopt 64670, 64671.05, 64671.10,
 64671.15, 64671.20, 64671.25, 64671.30,
 64671.35, 64671.40, 64671.50, 64671.60,
 64671.65, 64671.70, 64672, 64672.3,
 64672.6, 64673, 64674, 64675, 64676,
 64677, 64678, 64679, 64680, 64681,
 64682, 64683, 64684, 64685, 64686,
 64687, 64688, 64689, 64690, 64691,
 64692; Amend 64252, 64254, 64256,
 64257, 64258, 64415, 64468.1
 12/01/95 Adopt 4421, 4422, 4423, 4425, 4440.3;
 Amend 4400(y), 4440.1, 4440.2, 4420;
 Repeal 4410

11/27/95 Amend 97215, 97225, 97226, 97242
 11/22/95 Adopt 50960, 50961, 50962, 50963,
 50964
 11/20/95 Amend 51003 and 51307
 11/16/95 Adopt 70059.1
 11/16/95 Amend 87101, 87582, 87701, 87712
 (renumbered to 87724)
 11/14/95 Repeal 4000-1, 4000-2, 4000-3, 4000-4,
 4000-5, 4000-11, 4000-12, 4000-13,
 4000-14, 4000-15
 11/14/95 Repeal 4800-1, 4800-2, 4800-3, 4800-4,
 4800-5, 4800-6, 4800-7, 4800-8, 4800-9
 11/07/95 Repeal 680-1
 11/07/95 Repeal 986.5-1
 11/03/95 Amend 51516
 11/01/95 Adopt 3258-2
 10/30/95 Amend 51211.1
 10/27/95 Amend 51506
 10/26/95 Adopt 50262.6
 10/25/95 Amend 50479
 10/25/95 Amend 50479
 10/17/95 Adopt 56452, 53261, 56261; Amend
 51014.1, 51014.2, 53452
 10/16/95 Amend 51510.3, 51511, 51511.5, 51523

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01/31/96 Amend 14000
 01/31/96 Amend 66260.10, 66261.11, 66261.3,
 66261.31, 66262.10, 66262.34, 66264.13,
 66264.73, 66264.110, 66264.111,
 66264.112, 66264.140, 66264.142,
 66264.316, 66265.1, 66265.13, 66265.73,
 66265.110, 66265.111, 66265.112,
 66265.140, 66265.142, 66265.221,
 66265.316, 66268.1, 66268.5, 66268.7,
 66268.9, 66268.10, 66268.12, 66268.33,
 66268.35, 66268.40, 66268.41, 66268.42,
 66268.43, 66268.50, 662670.13,
 662670.14, 66270.42, 66270.72, Appen-
 dix I to Chapter 18, Appendix II to
 Chapter 18, Appendix III to Chapter 18,
 Appendix IV to Chapter 18, Appendix V
 to Chapter 18, Appendix VII to Chapter
 18, Appendix I to Sec. 66270.42; Adopt
 66264.1100, 66264.1101, 66264.1102,
 66265.1100, 66265.1101, 66265.1102,
 66268.36, 66268.37, 66268.38, 66268.45,
 66268.46, 66268.48, Appendix VIII to
 Chapter 18, Appendix IX to Chapter 18
 01/16/96 Adopt 66264.101, 66264.500, 66264.551,
 66264.552, 66265.553; Amend 66260.10,
 66264.3, 66265.1; Repeal 66264.800,
 66264.801
 12/28/95 Amend 66260, 66261 Appendices VII
 and VIII, 66262.34, 66264.573,
 66264.1033, 66264.1034, 66264.1035,
 66264.1052, 66264.1057, 66264.1063,

	66264.1064, 66265.443, 66265.445, 66270.24, 66270.25, and 66270.26	11/08/95	Adopt 7062.3; Amend 7054, 7058, 7062.1
12/26/95	Adopt 67450.25, 67450.30; Amend 66260.10, 66270.60	11/01/95	Repeal 7030, 7031, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7270, 7272, 7274, 7275, 7278, 7280, 7282, 7284, 7286, 7288, 7290, 7292, 7294, 7296
12/26/95	Adopt 67401, 67401.1, 67401.2, 67401.3, 67401.4, 67401.5, 67401.6, 67401.7, 67401.8, 67401.9, 67401.10, 67401.11, 67401.12	Title 27	
10/26/95	Adopt 66264.101, 66264.500, 66264.551, 66264.552, 66264.553; Amend 66260.10, 66264.3, 66265.1; Repeal 66264.800, 66264.801	01/31/96	Adopt 15100, 15110, 15120, 15130, 15140, 15150, 15160, 15170, 15180, 15190, 15200, 15210, 15220, 15230, 15240, 15250, 15260, 15270, 15280, 15290, 15300, 15310, 15320
10/20/95	Adopt 66266.130(d), 66279.1, 66279.10, 66279.20, 66279.21, 66279.31; Amend 66266.130(c)(2); Repeal 66261.6(a)(2)(C), 66266.30, 66266.31, 66266.32, 66266.33, 66266.34, 66266.50	01/10/96	Adopt 10010
10/16/95	Amend 66260.10, 66261.1, 66261.31, 66262.10, 66262.34, 66264.110-.112, 66264.140, 66264.142, 66265.110-.112, 66265.140, 66265.142, 66268.7, 66268.9-.10, 66268.12, 66268.33, 66268.35, 66268.40-.43, 66268.50, 66270.13-.14, 66270.42, 66270.72, Appendix II, IV, V, and VII to Chapter 18, Appendix I to 66270.42; Adopt 66264.1100-.1102, 66265.1100-.1102, 66268.36-.38, 66268.45-.46, 66268.48, Appendix VIII to Chapter 18, and Appendix IX to Chapter 18	11/07/95	Amend 10300
10/16/95	Readopt 66260.10, 66264.191, 66264.192, 66264.193, 66265.191, 66265.192, 66265.193	Title MPP	
Title 23		01/26/96	Amend 42-710, 42-711, 42-720, 42-730, 42-731, 42-740, 42-741, A2-742, 42-750, 42-760, 42-761, 42-771, 42-772, 42-773, 42-774, 42-775, 42-781, 42-782, 42-783, 42-786, 42-787, 42-788, 42-796, 42-798; Repeal 42-600, 42-625, 42-645, 42-650, 42-660, 42-675, 42-680, 42-682, 42-685, 42-686, 42-688, 42-691
01/09/96	Amend 645	01/11/96	Amend 82-824.13
11/14/95	Adopt 3912	12/29/95	Adopt 44-211.54; Amend 44-211.51, 44-211.52, 44-211.53 and 80-310(c)
10/25/95	Adopt 3922	12/28/95	Adopt 85090, 85091 and 85092; Amend 85001, 85018, 85061 and 85064
Title 25		12/21/95	Amend 44-101
01/05/96	Repeal 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507, 5508, 5509	12/13/95	Amend 20-300.31
11/30/95	Amend 7120	12/12/95	Amend 42-760, 42-771, and 42-778
		11/28/95	Adopt 63-507; Amend 63-502
		11/27/95	Amend 44-350 and 44-352
		11/16/95	Adopt 11-410; Amend 11-400
		11/06/95	Amend 31-002(r)(4), 31-135, 31-135.1, 31-135.12, 31-135.121, 31-410, 31-410.4, 31-410.42
		10/30/95	Adopt 63-037; Amend 63-505, 63-504, 63-505
		10/16/95	Amend 40-125 and 82-820

